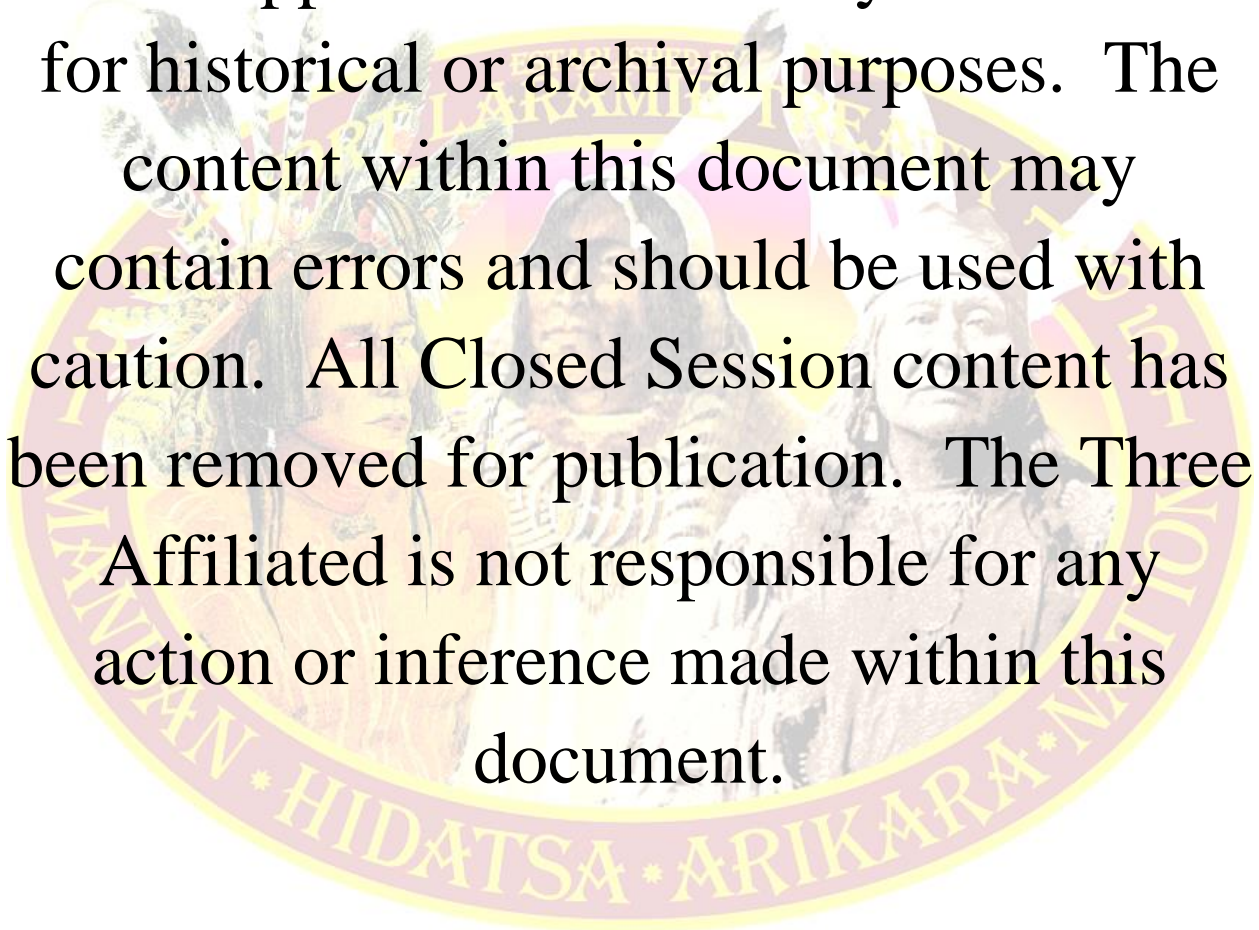


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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR COUNCIL MEETING
OCTOBER 14TH AND OCTOBER 15TH, 1999**

01. **CALL TO ORDER:**

Chairman Hall called the meeting to order at 10:45 a.m., and asked 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 Bird Bear, Councilman Hale, Chairman Hall.

Councilman Hale was appointed to serve as the Secretary for this meeting.

Members absent: Councilman Spotted Bear, Councilman Gillette

03. **ANNOUNCEMENTS:**

A. FSA Lawsuit; Members from the Civil Rights Team from Washington D. C. is here, Sidney Wiggins, Sheila Sheppard, Emily Wright. The purpose is to interview tribal members who had a FSA Loan or A FHA loan and who were discriminated against.

B. Chairman Hall gave a update on NCAI Conference he attended.

04. **PROPOSED TRIBAL ALLOTEE GRAZING RATES:**

Councilman Gillette made a motion that the BIA consider the Tribe's recommendation for a proposed tribal grazing rate on tribal allottee land be set at 6.92 per acre and that it be a one set year long rate versus a seasonal rate and this would also need to include after a appraisal is done by BIA.

MOTION WITHDRAWN: Motion was withdrawn by Councilman Gillette until the TAT Treasurer receives a completed audit by BLM.

Discussion: Councilman Wells stated that a meeting needs to be set up with the Land owners regarding the issue.

Councilman Bird Bear made a motion to set the Tribal land rate at 6.92 , also included is a summer seasonal rate of 11.45 and will only be applied to Tribal lands. Seconded by Councilman Wells.

VOTE: 2 Ayes, 4 Nays, 1 Abstentions, 0 Not Voting
 Motion Failed

**Three Affiliated Tribes
Tribal Business Council
Regular Meeting
Oct 14th and Oct 15th, 1999
Page 2.**

05. **APPROVAL OF AGENDA:**

Councilman Bird Bear made a motion to approve the agenda as amended. Seconded by Councilman Hale.

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

06. **CASINO REFINANCING PROPOSAL, JOHN G. KINNARD & COMPANY:**

Councilman Fox made a motion for the approval to utilize John G. Kinnard & Company, as the first primary choice of investors for the Three Affiliated Tribes to refinance the Casino with a interim and a expansion loan in the total amount of \$ 15,200,000, this is subject to due diligence by the Tribe and the Federal Government and to allow ten days after due diligence for the passing of the \$ 3,000,000 interim loan to the Tribe. Seconded by Councilman Wells.

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

07. **CASINO REFINANCING PROPOSAL, MILLER SHROEDER:**

Councilman Bird Bear made a motion for the approval of Miller and Shroeder as the second option for the choice of investors, according to their information that they have submitted as of this date, they would be able to close on the interim loan by October 29, 1999. Seconded by Councilman Hale.

VOTE: 3 Ayes, 4 Nays, 0 Abstentions, 0 Not Voting
Motion Failed

08. **CASINO REFINANCING PROPOSAL, DAN RAUSCHER:**

Councilman Wells made a motion for the approval of Dan Rauscher as the alternate for choice of investors for the Casino refinancing. Seconded by Councilman Gillette

VOTE: 3 Ayes, 3 Nays, 1 Abstention, 0 Not Voting.
Motion Failed

09. **WAYNE KEPLIN, FUNERAL HOME PROPOSAL:**

Councilman Fox made a motion to utilize tribal employee staff such as the Natural Resource Department to identify a site and give the Tribal Council a estimated cost on the renovating of the said Head Start Building for a proposed Funeral Home. Seconded by Councilman Hale.

VOTE: 5 Ayes, 0 Nays, 1 Abstention, 1 Not Voting
Motion Carried

10. **PERSONAL ISSUES CLOSED: FOUR BEARS CASINO & LODGE, , GENERAL MANAGER POSITION, INTERVIEWS:**

11. **JOHN G. KINNARD, RESOLUTION # 99-187-DSB:**

Councilman Gillette made a motion to approve Resolution # 99-187-DSB with amendments structured in accordance with the attached term sheets. The final loan will come back to Tribal Business Council for final approval. Seconded by Councilman Wells

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

12. **TWIN BUTTES CUSTOM HOMES, BONDING, RES. # 99-188-DSB:**

Councilman Spotted Bear made a motion to approve the Bond Financing Res. # 99-188-DSB for Twin Buttes Custom Homes. Seconded by Councilman Bird Bear.

VOTE: 4 Ayes, 2 Nays, 1 Abstention, 0 Not Voting
Motion Carried

13. **CLOSED SESSION; PERSONAL ISSUE, FOUR BEARS CASINO, GENERAL
MANAGER POSITION:**

14. **TRIBAL ENROLLMENT, RELINQUISHMENTS, RES'S #99-189 THRU # 99-201-
DSB:**

Councilman Gillette made a motion to approve Tribal Relinquishments from Resolution # 99-189 thru # 99-201-DSB, a total of 13 Tribal Members, relinquishing their enrollment status. Seconded by Councilman Hale

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

15. **ROGER DORVAL-GRAVEL BID PROPOSAL:**

Councilman Gillette made a motion to approve the request for the four proposed Gravel Pits, included would be stipulations that would be a three to five percent maximum on the Pit located at Ethan Hall's residence with periodic inspections, also to include a environmental assessment on the Tribal Pitt located in the Independence area.

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

16. **AUBOL'S INC. PROPERTIES (LOTS AND BUILDINGS):**

Councilman Gillette made a motion for the approval of the Resolution in purchasing of the three lots that the Tribe was a successful bidder on and for Mr. Jim Heckman of Environmental to provide the necessary EPA assessments.

Motion withdrawn: Motion was withdrawn to allow Mr. Jim Heckman to do the Phase II environmental assessment on the lots.

JERRY NAGEL, ADD ON TO THE AGENDA:

Councilman Wells made a motion to add Mr. Jerry Nagel to the agenda to do his closing reports on his project. Seconded by Councilman Hale.

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

**Three Affiliated Tribes
Tribal Business Council
Regular Council Meeting
October 14th and 15th, 1999
Page 5.**

17. **JERRY NAGEL, FLOOD RESOLUTION NO. #99-202-DSB:**

Councilman Wells made a motion to approve the Ordinance and the Flood Resolution # 99-202-DSB. Seconded by Councilman Hale.

DISCUSSION: Chairman Hall stated a separate Resolution will need to be drafted by Kipp Quale, TAT Legal Department for the Ordinance and will be presented to the Tribal Business Council.

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

18. **JERRY NAGEL, CONSULTANT AGREEMENT EXTENSION:**

Councilman Hale made a motion to approve the extension of the Consultant agreement for Mr. Jerry Nagel for thirty days. Seconded by Councilman Wells

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

19. **PARSHALL DATA PROCESSING CENTER, RES. # 99-204-DSB:**

Councilman Gillette made a motion to approve the reimbursement back to the Parshall Community in the amount \$ 2,200 for labor and roof repairs for the Parshall Data Processing Center, subject to when funding is available. Seconded by Councilman Hale

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

20. **AISES STUDENTS, NEWTOWN HIGH SCHOOL/FINANCIAL REQUEST:**

Councilman Bird Bear made a motion to approve a financial request to assist New Town High School Students to attend a AISES Conference and to provide matching fund raising up to \$ 75.00 per student and that the Tribe would assist with their transportation by providing the use of a tribal van.

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

**Three Affiliated Tribes
Tribal Business Council
Regular Council Meeting
October 14th and 15th, 1999
Page 6.**

21. **CONSULTANT AGREEMENT, EDWARD H. HALL, RES# 99-205-DSB:**
Councilman Fox made a motion to approve the consultant agreement for Edward H. Hall, for the study of a Public Works Department at a term of twelve (12) months. A reimbursement of reasonable and necessary expenses actually incurred in the course of performance of services under the agreement. Seconded by Councilman Hale

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

22. **MILLER SCHROEDER CASINO REFINANCING, ALTERNATE:**
Councilman Hale made a motion to select Miller Schroeder as a alternate for Casino refinancing. Seconded by Councilman Bird Bear

VOTE: 3 Ayes, 1 Nays, 2 Abstentions, 1 Not Voting
Motion Carried

23. **NORTH DAKOTA WATER RESOURCE BILL, RES. # 99-206-DSB:**
Councilman Gillette made a motion to pass the Water Resource Bill, Res. # 99-206-DSB, which authorizes Daniel Israel, special counsel for Missouri River matters and an expert on Federal reclamation law and environmental compliance, to work with the Secretary of the Interior, North Dakota, and the Congressional staff to improve the presentation of HR. 2918. Seconded by Councilman Hale.

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

Motion amended: Councilman Gillette made a motion to amend the Res. 99-206-DSB, and to include in the language "WAPA".

24. **WAPA BENEFITS CONTRACT:**
Councilman Gillette made a motion to approve the contracts and a agreement with WAPA, which allows Electric Companies to continue to provide electric services to Tribal Members at WAPA rates. Seconded by Councilman Wells.

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

25. **SMALL LOAN REQUEST, RICK LITTLE SWALLOW, RES # 99-207-DSB:**

Councilman Wells made a motion to approve a Small Loan advance on a Land Sale for Rick Little Swallow in the amount of \$ 1,000, Subject to paying off other debts within the Tribe. Seconded by Councilman Gillette.

DISCUSSION: Councilman Wells stated that Mr. Little Swallow's Land Sale request and appraisals and signed deeds have gone through Natural Resource Department.

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting
Motion Carried

26. **NEW TOWN GOLDEN GLOVES BOXING CLUB/FINANCIAL REQUEST:**

Councilman Gillette made a motion to approve Res. # 99-208-DSB, a grant financial request for New Town Golden Gloves Boxing Club/Virgil Chase, Sr. Coach in the amount of \$ 2,000. The request is for material to build a boxing ring and to assist in endeavors to continue working with the youth of our reservation. Subject to availability of funds. Seconded by Councilman Bird Bear.

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

27. **HAZEL BLAKE, FINANCIAL REQUEST:**

Councilman Hale made a motion to approve a financial request in the amount of \$1,000, subject to credit availability. Seconded by Councilman Wells

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 1 Not Voting
Motion Carried

28. **RACHEL GRADY, FINANCIAL REQUEST:**

Councilman Wells made motion to approve a financial request in the amount of \$ 500.00 for Rachel Grady, subject to credit availability.

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

29. **CHUCK BLAKE, FINANCIAL REQUEST:**

Councilman Hale made a motion to approve a financial request in the amount of \$ 1,000 for Chuck Blake a Four Bears Casino Employee and will be paid back through wage deduction. The request is subject to availability of Funds and credit availability. Seconded by Councilman Wells.

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

Motion amended: Motion amended to include that the request of Hazel Blake and Chuck Blake be changed to \$ 500.00 per individual, subject to Small Loans Program guidelines.

30. **"CEDS," COMPREHENSIVE ECONOMIC STRATEGY RES. 99#209-DSB:**

Councilman Gillette made a motion to approve Res. # 99-209-DSB authorizing the Tribal Programs Analyst and Comprehensive Management Office for the organization and establishment of a CEDS Committee which will be involved in developing a tribal planning model. Seconded by Councilman Hale.

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

31. **SHERRY KING, SYMBIOTIC LABS CONTRACT:**

Councilman Hale made a motion to approve a contract with Sherry King and Symbiotic Labs to perform the implementation of drug free policy for Tribal employees. Seconded by Councilman Gillette.

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

**Three Affiliated Tribes
Tribal Business Council
Regular Council Meeting
October 14th and 15th, 1999
Page 9.**

32. **CLETUS MEDICINE CROW, CONSULTANT AGREEMENT, CHR:**

Councilman Bird Bear made a motion to approve the consultant agreement for Cletus Medicine Crow, beginning October 4, 1999 ending November 12, 1999 at the rate of \$ 15.00 per hr., not to exceed \$ 1,500. This will be budgeted under the CHR contract line item. Seconded by Councilman Spotted Bear.

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

33. **TAT CONTRIBUTION FOR SENATOR EDWARD KENNEDY:**

Councilman Hale made a motion to provide contribution for (\$ 500.00) five hundred dollars to Senator Edward Kennedy for his campaign for Senate and for all the work he has done for Indian Country. This is subject to a legal check. Seconded by Councilman Spotted Bear.

VOTE: 4 Ayes, 1 Nays, 0 Abstentions, 2 Not Voting
Motion Carried

34. **ADJOURNMENT:**

Councilman Hale made a motion to adjourn the meeting at 10:45 p.m.. Seconded by Councilman Bird Bear.

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

**Three Affiliated Tribes
Tribal Business Council
Regular Council Meeting
October 14th and 15th, 1999
Page 10.**

Meeting adjourned at 10:45 p.m.

Dated this _____ day of _____, 1999
Transcribed _____ day of _____, 2001

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

ATTEST:

Tex G. Hall, Chairman
Three Affiliated Tribes, Tribal Business Council