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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING NO. 21  
NOVEMBER 23, 1999**

01. **CALL TO ORDER:**

The meeting was called to order by Chairman Hall at 11:17 a.m., and asked that everyone take a moment of silence for the deceased baby that was found and for the other people who are ill and less fortunate.

02. **ROLL CALL:**

Members Present: Chairman Tex Hall, Councilman Wells, Councilman Spotted Bear, Councilman Fox, Councilman Hale, Councilman Gillette. A quorum was established With six members present, one absent.

03. **APPROVAL OF THE AGENDA:**

Councilman Gillette motioned to approve the agenda as amended. Seconded by Councilman Hale. Motion unanimously approved

04. **APPROVAL OF MINUTES:**

Approval of Minutes will be deferred till next TBC meeting.

05. **CHAIRMAN'S ANNOUNCEMENTS:**

- A. Chairman Tex Hall stated: Reports were recently turned in from area schools, reports need to be more comprehensive, some schools turned in audits, demographics, test scores. A plan needs to be done to improve low test scores. A computer database needs to be implemented in all area schools 2.) Education Committee, laid out a proposal to change the grantee status to the Tribe. A meeting is scheduled with Dr. Wayne Sanstead on 12-08-99 to discuss various issues.
- B. Councilman Hale stated; Blue Star Construction continues to work on touch ups of the new Mandaree Community Building. Soil testing is being done. Councilman Hale will be traveling to tour Cross Consulting Company in Minnesota. Discussion on Skip Liner trip to Ft. Meyers, Florida.
- C. Chairman Hall stated; Two sources of funding proposals have become a reality for the Tribe. The amount of \$ 624,000 is for interm financing, specifically for Mandaree Solid Surfacing and Twin Buttes Custom Homes. The three million dollar loan is for the Tribe, which is part of the Casino.
- D. Councilman Bird Bear stated he attended a Tribal Tax meeting in Reno and received some valuable information regarding Right of Ways for Pipelines.

06. **FUNERAL GRANT FOR ENROLLED MEMBERS:**

Councilman Fox motioned to assist enrolled members with a \$ 500.00 grant, who are immediate family members to the deceased non-enrolled member. Seconded by Councilman Gillette

Discussion: The funeral grant will be discussed case by case on determining the eligibility of the funeral grant. The nearest extended immediate family member who are enrolled members will be eligible for the funeral grant.

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

07. **INTAIL FOODS CORPORATION :**

Councilman Fox introduced two individuals from Intail Foods Corporation. Tom Asbridge and Jim Hawley from Intail Foods Corporation gave a short presentation on their Corporation. They discussed the products that they use which is specialized barley products. Their marketing strategy is to use Native American Themes. They will come back to Tribe with a proposal on a later date.

08. **CHARLOTTE BLACK ELK, PRESENTATION:**

Charlotte Black Elk, Managing Director of International Technologies and Finance, LLC. based out of a New York City Investment Company, presented a Investment Plan to the Three Affiliated Tribes. Councilman Gillette moved to have Legal Department and Finance Department review, Charlotte Black Elk's investment proposal. Seconded by Councilman Gillette.

VOTE: 5 Ayes, 0 Nays, 2 Not voting.  
Motion carried.

09. **BIA SUPERINTENDENT APPLICANTS:**

Councilman Fox made a motion on the tribes recommendation for the selection of the BIA Superintendent position. Mr. Paige Baker as BIA Superintendent, and Laura Austin as Alternate for the position. Councilman Hale, seconded the motion.

Discussion: The Tribal Council will provide a letter to Aberdeen Area Regional Director, Cora Jones, on their recommendations for the hiring of BIA Superintendent. The Item of discussion will be referred to Executive Committee Meeting.

10. **TOM KATUS, JESS SIX KILLER, CONSULTANT PROPOSAL:**  
Councilman Hale, motioned to hire Tom Katus and Jess Six Killer as Consultants for the Four Bears Casino & Lodge for two months, at the cost of \$ 73,535.00. Seconded by Tom Bird Bear.

Discussion: Chairman Hall stated; The Tribal Legal Department will be instructed to conduct a Legal Review along with a NIGC License Review on Tom Katus and Jess Six Killer. Discussion was done on the negotiating of the Consultant Fee request, and the scope or work that will be done.

Motion amended on the request of the Consultant Fees. The Cost was amended to \$ 67,535.00 to be paid 1/3 initially, 1/3 mid term and 1/3 at the end of 3 months. Reflecting on the scope of work for Gaming Enterprise Board. Resolution will be done regarding the Consultant Proposal. Hiring of the Consultants will be effective 11-29-00.

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

11. **FOUR BEARS STREET PROJECT:**  
Councilman Wells motioned to approve the bid out by the Bureau of Indian Affairs for the Four Bears Street Project ( \$325, 000), rather than have the Project contracted by the Tribe. Seconded by Councilman Fox.

Discussion: Bia Aberdeen Area Roads, Jerry Foell will move forward to advertise for bids for construction on his return to Aberdeen. The estimated dollar amount for the project is \$ 325,00, Chairman Hall stated he is not advocating but is in support of the decision of the bid out, for the reason that it is specifically for the Four Bears Street Project.

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

12. **MANDAREE STREET PROJECT:**  
Mr. Foell, AAO-BIA Roads, informed the Tribal Council that his office could develop the scope of work for the contract including the work that has already been done by Katermus, Lee, & Jackson on the Street Project. Mr. Foell stated that his staff would work with Roger Dorvall to clarify the scope of work on Mandaree's South and North streets.

13. **GRAVEL CRUSHING PROJECT/ ROGER DORVAL:**

Councilman Hale motioned to award the gravel crushing bid to Big Valley Gravel and Supply in the amount of \$ 249, 000. Seconded by Councilman Gillette

Discussion: Roger Dorval stated a one week extension was given to provide the contractors a opportunity to either submit a bid bond or a 5% cashiers check. Big Valley Gravel who are bonded, submitted the Lowest proposal.

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

14. **PROPOSED CHANGE ORDERS, LUTHER GRINNELL, ELMER FREDERICKS ROAD CONSTRUCTION PROJECTS:**

Councilman Hale motioned to approve a proposed change order in the amount of \$ 60, 394, combined for Luther Grinnell and Elmer Fredericks, Sr's road. Seconded by Councilman Bird Bear.

Discussion: Councilman Gillette stated that he was not in agreement in the manner of business in how part of the Contract was being done. The Consultant put the Tribe in a standing where the Tribe had to pay more.

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

15. **VONNIE ALBERTS, MISS INDIAN NATIONS REQUEST:**

Councilman Wells motioned to approve a grant in the amount of \$500.00 for Ms. Vonnie Alberts for travel expenses to the Thanksgiving day parade. Seconded by Councilman Bird Bear.

Discussion: Councilman Fox stated that most of Vonnie's trip is being paid for by the American Indian College Fund. Motion rescinded by TBC to approve a \$ 250.00 grant rather than a the previously requested \$ 500.00 grant.

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

16. **AL NYGAARD, JTAC UPDATE:**

Al Nygaard, Consultant for the Three Affiliated Tribes and the Tribal Business Council, discussed the possibilities in whether investing JTAC funds in OTFM placement or in Private placement. Chairman Hall stated that the issue will be deferred to a Special Council Meeting which will specifically discuss JTAC Investment Issues.

17. **JERRY NAGEL, ADD ON TO AGENDA:**

Councilman Hale made a motion to add, Mr. Jerry Nagel to the Agenda. The issue is regarding the Four Bears Lagoon appraisals.  
Seconded by Councilman Wells.

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

18. **FOUR BEARS LAGOON, MABEL SNOWBIRD NEGOTIATION:**

Councilman Wells made a motion to negotiate a deal with Mabel Snow Bird to purchase her land for up to \$ 500.00 per acre, subject to the acceptance of Rural USDA Grant.  
Seconded by Councilman Gillette.

Discussion: Chairman Hall stated that Myrna Bear of Natural Resource Department will be designated point person for negotiations. A letter will be submitted dated November 5, 1999 to Tom Wells, BIA, regarding appraisals.

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

19. **PARSHALL DATA CENTER/SEWER LINE SYSTEM:**

Councilman Bird Bear made a motion to authorize Fort Berthold Development to repair the sewer line at the Parshall Data Center Building, which is tribally owned, this request is not to exceed \$ 2, 500.00. Seconded by Councilman Gillette.

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

20. **JERRY AFTON, MOE PROPERTY DEVELOPMENT PROPOSAL:**  
Motion made by Councilman Hale to hire a Independent appraiser to appraise the value of the Afton Property. Motioned died due to a lack of a Second Vote.

Discussion: Chairman Hall stated that he was in support of hiring a appraiser at fair market value. Jerry Afton stated that they were asking for \$2, 750,000. for the property.

VOTE: Motion died due to a lack of a Second Vote

21. **LEO CUMMINGS, ADD ON TO THE AGENDA, YOUTH OPPORTUNITY GRANT:**

Motion made by Councilman Hale to add Leo Cummings, 477 Director to the agenda. for discussion on the Youth Opportunity Grant from DOL. Seconded by Councilman Daylon Spotted Bear.

Discussion: Leo Cummings stated that Ft Berthold has been chosen as one of the finalist for the Youth Opportunity Grant. A on site review will take place on December 1, 1999 at United Tribes. Mr. Cummings requested a TBC member and Malcolm Wolf attend the site review meeting.

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

22. **MILLER SCHROEDER PROPOSAL, CASINO REFINANCING:**

Motion made by Councilman Gillette to pass a resolution for the Miller Schroeder refinancing loan proposal for the Four Bears Casino for the terms listed.. Seconded by Councilman Hale.

Discussion: Tom Disselhorst, TAT Legal Consultant stated that the terms of this is a \$15.2 million dollar offer, there is approximately \$ 7 million in tax except funding, and \$ 8 million taxable funding, the taxable funding rate is 8% its ½ percent less then the prime rate. The tax exempt rate is 6.375%.

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

23. **NATIVE AMERICAN NATIONAL BANK:**

Motion made by Councilman Gillette to approve the resolution for the purchase of a Seat on the Board of the Native American National Bank in the amount of \$ 90,000. Seconded by Councilman Spotted Bear.

Discussion: Chairman Hall stated; With the investment in the Native American National Bank the Tribe will be able to provide tribal loans and lending and will have more Capital for investments and in time the Tribe would be able to establish their own regional bank or branch bank. The Tribe will be able to make their own decisions with a original seat on the Board.

VOTE: 5 Ayes, 1 Nays, 0 Abstentions, 1 Not voting.  
Motion Carried.

24. **DELVIN RABBIT HEAD, CONSULTANT AGREEMENT:**

Councilman Bird Bear made a motion to extend Delvin Rabbit Head's Consultant agreement to 20 days at \$ 14.00 per hour. Mr. Rabbit Head was hired as a MIS Consultant. Motion to include assignment of Fred Baker, to research IHS funding to cover cost. Seconded by Councilman Hale.

Discussion: Delvin reported that he is in process of establishing a PBX automated system for the Tribal Office and has been in contact with Reservation Telephone Cooperative. Mr. Rabbit Head is currently working on upgrading computers for the Y2K.

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

25. **PERSONNEL MATTERS CLOSED, COPS FAST:**

26. **CAROL BROOKE, INDEPENDENT FILM PRODUCER CONSULTANT AGREEMENT:**

Councilman Hale made a motion to pass a resolution for the consultant agreement to have Carol Brook develop a film documentary on Sakakawea, not to exceed \$ 1,250.00 per month. Seconded by Councilman Wells.

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



27. **MARY ELLEN KNIGHT, LOAN REQUEST:**

Motion made by Marcus Wells, Jr. to approve a personal loan in the amount of \$ 500.00 for Mary Ellen Knight to be paid back through payroll deduction. Seconded by Councilman Hale.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting.  
Motion carried

28. **BIRON BAKER, MD, HIRING PROPOSAL:**

Motion made by Councilman Hale to approve a IHS proposal to hire Biron Baker, MD, to Medical staff at the rate of \$ 125,000 pro rated per year plus fringe benefits and no bonus. Subject to clarification. Seconded by Councilman Wells.

Discussion: Chairman Hall requested a actual total budget for Physician Contacts.

VOTE: 5 Ayes, 1 Nays, 1 Abstentions, 0 Not voting.

29. **JUDY COFFEE, PARSHALL RESOURCE CENTER:**

Motion made by Councilman Fox to approve a \$ 6,250.00 per month for 90 days, plus a additional \$ 6,664.00 for outstanding bills and employee training, total amount requested is \$ 12, 914.00. Seconded by Councilman Bird Bear.

Discussion; Judith Coffey stated that Parshall RC currently has a active Board in place and will respond to the current deficiencies that were found when they were inspected by the state. TBC will meet with state officials to discuss funding criteria

VOTE: 6 Ayes, 1 Nays, 1 Abstentions, 0 Not voting.

30. **RENEWAL OF CONTRACT FOR AMBULANCE SERVICE/WHITE SHIELD**

Motion made by Councilman Gillette to approve a renewal of contract for ambulance service between White Shield and Garrison ambulance district in the amount of \$ 2,000 for interm, until Fred Baker negotiates with Garrison Ambulance Service. Seconded by Councilman Hale.

Discussion: Chairman Hall advised Fred Baker to meet with Garrison Ambulance service and discuss negotiations regarding actual ambulance runs for Native Americans.

VOTE; 6 Ayes, 0 Nays, 1 Abstentions, 0 Not voting.

31. **TWIN BUTTES COMMUNITY ASSOCIATION ELECTION OF MEMBERS OF BOARD/TWIN BUTTES CUSTOM HOMES/STATUS UPDATE:**

Motion made by Councilman Spotted Bear to have Kip Quale, TAT Attorney submit payment not to exceed a \$ 1,000 to Twin Buttes Election Board and approve consultant agreements for the 3 election board members. Seconded by Councilman Hale.

Discussion: Lyndon Fredericks was hand delivered a check in the amount of \$ 1,000. for payment to the Twin Buttes Election Board, but Mr. Fredericks did not want to be responsible for dispensing of payment to the Election Board and has since returned the check back over to the Tribe. Kip Quale stated that his recommendations were to have the Tribe pay the Election Board and be reimbursed back with docket funds.

32. **WHITE SHIELD CLINIC LEASE RESOLUTION :**

Motion made by Councilman Gillette to approve the resolution for White Shield clinic lease. Seconded by Councilman Wells

Discussion: Fred Baker stated; In order for IHS to be covered by insurance a lease agreement needs to be in place by the Tribe. The rate will be negotiable and a survey team will be sent out to inspect the building, and the Tribe will negotiate a fee with IHS.

VOTE: 7 Ayes, 0 Nays, 1 Abstentions, 0 Not voting  
Motion carried.

33. **GENE VOIGHT RESIGNATION /FOUR BEARS GAMING ENTERPRISE BOARD:**

Motion made by Councilman Gillette to accept the resignation of Gene Voight due to health reasons and to recommed Jill Gillette for Four Bears Gaming Enterprise Board. Seconded by Councilman Spotted Bear

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

34. **CARSON HOOD, TRAVIS FOX, BEN LOVAN, GRANT REQUEST:**  
Motion made by Councilman Hale to approve a grant request in the amount of \$ 250.00 per individual for Carson Hood, Travis Fox and Ben Lovan for travel expenses to Hawaii. Seconded by Councilman Gillette.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting  
Motion carried
35. **HOPE FRAGOZA , ADD ON TO AGENDA, LOAN REQUEST:**  
Motion made by Councilman Gillette to add Hope Fragoza to agenda. Seconded by Councilman Pete Hale.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting  
Motion carried
36. **HOPE FRAGOZA EMERGENCY LOAN REQUEST:**  
Motion made by Councilman Hale to approve a emergency loan request in the amount of \$ 500.00, subject to consigner. Seconded Councilman Gillette
- VOTE: 6 Ayes, 0 Nays, 1 Abstentions, 0 Not voting.  
Motion carried
37. **TWIN BUTTES SCHOOL BOARD, RESOLUTION:**  
Motion made by Councilman Spotted Bear to pass a resolution to recontract Facilities Management. The resolution will remain in force until rescinded by Tribal Business Council. Seconded by Councilman Gillette
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting  
Motion carried
38. **KALEB SAGE, MEDICAL EMERGENCY GRANT:**  
Motion made by Councilman Spotted Bear to approve a medical emergency grant and a resolution in the amount of \$ 1,000.00 for Kaleb Sage. Seconded by Councilman Hale.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting  
Motion carried.

39. **KEVIN BEARSTAIL, EMERGENCY MEDICAL GRANT:**

Motion made by Councilman Fox to approve a emergency medial grant in the amount of \$ 500.00 for Keven Bearstail. Seconded by Councilman Hale

VOTE: 7 Ayes, 0 Nayes, 0 Abstentions, 0 Not voting  
Motion carried.

40. **GOVERNMENT CAPITAL CORPORATION PURCHASE AGREEMENT:**

Motion made by Councilman Wells to approve the Government Capital Corporation lease purchase agreement for Roads equipment in the amount of \$ 768, 465.30 for 6 years. Seconded by Councilman Gillette

Discussion: Federal Programs will secure Federal funding to cover this cost.

VOTE: 7 Ayes, 0 Nayes, 0 Abstentions, 0 Not voting  
Motion carried

41. **BILL HALE, JR. TEMPORARY APPOINTMENT:**

Motion made by Councilman Gillette to temporarily appoint Bill Hale, Jr. to replace Bill Hale, Sr, who is currently on sick leave. The Temporary appointment is until Bill Hale, Sr's return to work and subject to license. Seconded by Councilman Gillette

VOTE: 7 Ayes, 0 Nayes, 0 Abstentions, 0 Not voting  
Motion carried

42. **TOM DISSELHORST NEGOTIATIONS/STATE WORKERS COMPENSATION**

Motion made by Councilman Gillette to have Tom Disselhorst engage in negotiations with North Dakota State Workers Compensation on behalf of the Tribe and Casino. Seconded by Councilman Wells.

Discussion: Councilman Wells stated that he requested the rate be the correct classification rate of the job description.

VOTE: 6 Ayes, 1 Nayes, 0 Abstentions, 0 Not voting

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43. ADJOURNMENT:

Councilman Wells motioned to adjourn the meeting at 11:10 p.m. Seconded by Councilman Hale.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting.

Respectfully submitted,

\_\_\_\_\_  
Bonnie Baker, Rec. Secretary Clerk  
Tribal Business Council  
Three Affiliated Tribes

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marcus Wells, Jr, Secretary  
Tribal Business Council  
Three Affiliated Tribes

\_\_\_\_\_  
Date

ATTEST:

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

\_\_\_\_\_  
Date