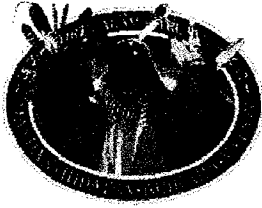


**DISCLAIMER:** The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The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





**MANDAN, HIDATSA, & ARIKARA NATION**  
*Three Affiliated Tribes, Fort Berthold Indian Reservation*  
*404 Frontage Road, New Town, North Dakota 58763-9402*

**TRIBAL BUSINESS COUNCIL**  
**REGULAR MEETING**  
**NO. 03-16-RP**  
**AUGUST 14, 2003**

**01. CALL TO ORDER AND INVOCATION:**

Chairman Hall called the meeting to order at 11:00 a.m., with the invocation said by Councilman Wolf.

**02. ROLL CALL**

Chairman Tex G. Hall, Councilman Marcus Wells, Councilman Malcolm Wolf, Councilman Packineau, Councilman Gillette, and Council Daylon Spotted Bear.

**03. APPROVAL OF THE AGENDA:**

Councilman Phelan approved the amended agenda. Councilman Packineau seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**04. CHAIRMAN'S REPORT:**

Councilman Phelan moved to change the name of TAT Commodity Warehouse to the MHA Nation Tribal Food Distribution Center. Councilman Packineau seconded the motion.

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

• **NEGOTIATED RULEMAKING COMMITTEE FACILITIES CONSTRUCTION:**

Councilman Wells moved to submit Paul Fredericks name to serve on the Negotiated Rulemaking Committee for Facilities Construction Regulations. Councilman Phelan seconded the motion.

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

- **NORTH DAKOTA TRIBAL MEMBER STATE INCOME TAX:**
- **HEADSTART PROGRAM:**  
Councilman Phelan moved to create a separate classification for language instructors and secure with Head Start funds; and if the Central Office denies it, the Tribe will fund the positions for this school year. Councilman Wolf seconded the motion.

Councilman Phelan amended his motion to include the language in a resolution form.

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

05. **COUNCIL REPORTS:**  
**Mandaree Area:**

**Parshall/Lucky Mound:**

- Chairman Hall is invited to the next community meeting on September 08, 2003
- **North Segment:**
  - **Four Bears Segment**  
Four Bears Lagoon received a water permit  
Appreciation letter sent to Excavating Inc. for constructing the roads and putting in the lighting.

**White Shield:**

**Twin Buttes:**

06. **TREASURERS REPORT**

**A. Chief Financial Officer Report**

**MHA FY-2003 BUDGET AMENDMENT NO. TWO; RESOLUTION 03-210-RP**

Councilman Phelan moved to approve Resolution No. 03-209-RP that describes the amended FY-2003 Budget Number Two, with additional \$40,000 to the Mandaree Daycare line item. Councilman Wells seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**B. TRIBAL TRUST FUNDS PORTFOLIO REVIEW:**

07. **JOSHUA KENNETH SAYLER**

Councilman Gillette moved to approve Joshua Saylor's financial request after the Higher Education Director reviews his paperwork. Councilman Wells seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

08. **MONICA RABBITHEAD:**  
Personnel Matter.

09. **PROPOSAL TO CONTRACT TWIN BUTTES AND MANDAREE CLINIC:**

10. **P. L. 103-413, CONTRACT FOR MENTAL HEALTH; RESOLUTION NO. 03-211-RP**  
Councilman Phelan moved that the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation approve the assumption of responsibilities normally exercised by Indian Health Service with respect to mental health services effective October 1, 2003. Councilman Gillette seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

11. **REQUEST FOR WAIVER OF \$650,000 EARLY CHILDHOOD:**

12. **MANDAREE CLINIC LACK OF SERVICE:**

13. **FOSSIL REMAIN EXCAVATION:**  
Councilman Wells moved to approve Mr. John Hoganson's request for fossil excavation subject to tribal agreement limiting a fossil excavation as developed by the TAT Legal and Cultural Preservation Program. Councilman Packineau seconded the motion.

Councilman Packineau withdrew his second to the motion. No second, motion failed.

Councilman Wells moved to direct Richard Mayer to write a letter to the U.S. Army Corp. of Engineers, District Commander notification of the Tribes' disapproval of authorization to excavate, state the Tribes' objection of the issuance of an excavation permit without consultation with the Tribe; and also request funding for monitoring, and protection of the site. Councilman Wolf seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

Councilman Gillette moved to direct the Natural Resources Department BIA staff to conduct a site inventory to identify sites of 1854. Councilman Packineau seconded the motion.

Councilman Phelan moved to direct Elgin Crows Breast, Cultural Preservation Officer to draft a letter for Chairman Hall's signature for budget conservation and preservations of cultural sites for presentation and consideration of the Congressional delegation.

20. **CONSULTANT AGREEMENTS: CULTURE PRESERVATION PROGRAM:**  
Councilman Gillette moved to approve consultant agreements for 1) Pemina Yellow Bird, 2) Virginia Hale and 3) Mark Leathom, at a rate of \$25.00 per hour, for 356 days. Councilman Wells seconded the motion.

VOTE: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**A. CULTURE PRESERVATION PROGRAM:**  
Personnel matter

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

21. **PURCHASE OF MOBILE HOME:**  
Councilman Phelan moved to authorize the Tribal Housing Division for the Tribe to purchase a mobile home from Craig Wollamburg; to include the cost of relocation that [in accordance with the previous Resolution] will be obtained from the Tribal Housing Division budget; to be rented by Iris Jackson during the interim of waiting for the purchase of her home. Councilman Wells seconded the motion.

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

22. **NATIVE AMERICAN BANK LOAN FOR DREAM CATCHER PROGRAM:**  
**RESOLUTION NO. 03-214-RP:**  
Councilman Wells moved to approve Resolution No. 03-214-RP as presented, to implement and begin Phase One. Councilman Phelan seconded the motion.

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

23. **ADDENDUM TO THE DREAM CATCHER CONSTRUCTION CONTRACT:**  
Councilman Wells moved to approve with corrections, the addendum to the construction contract. Councilman Phelan seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

24. **TRIBAL HOUSING PROGRAMS COORDINATOR:**  
Councilman Wells moved to approve the hire of Joann Shaeffer (non-enrolled member) as Tribal Housing Programs Coordinator based on the rating by the Human Resources Department and recommendation of the Housing staff. Councilman Packineau seconded the motion.

VOTE: 4 Ayes, 2 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**25. LAND EXCHANGE/PURCHASE; ED HALL:**

Councilman Gillette moved to accept the letter of intent to obtain an appraisal for the Ed Hall land exchange/purchase. Councilman Packineau seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**26. FBDC CONTRACT FOR MILITARY HOUSING PROJECT:**

Councilman Phelan moved to approve tribal housing Division to enter into a contract with the Fort Berthold Development Corporation to initiate military housing project. Councilman Gillette seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**27. SONOSKY, CHAMBERS, SACHSE, ENDRESON AND PERRY, INC.; RESOLUTION NO. 03-217-RP**

Councilman Wells moved to ratify the actions of the Executive Committee Resolution as presented. Councilman Phelan seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**28. RENOVATIONS AND DEMOLITIONS OF EXISTING TRIBAL PROPERTY; RESOLUTION NO. 03-218-RP:**

Councilman Packineau moved to approve the Resolution as presented. Councilman Wells seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**29. THREE AFFILIATED TRIBES FISH AND WILDLIFE DIVISION**

Councilman Phelan moved to authorize Todd Hall to utilize one elk for the chronic disease workshop and donate the meat to the elders and the Parshall Resource Center. Councilman Wells seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**30. PROCLAMATION AS PROVIDED BY THE CHAPTER CODE OF LAWS; RESOLUTION NO. 03-219-RP**

Councilman Phelan moved to empower the Game and Fish Division to enact and enforce the following Proclamations as provided by the Chapter 18 Code of Laws of the Three Affiliated Tribes. Councilman Wells seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**31. GAME & FISH ENVIRONMENTAL GRANT SUBMISSION; RESOLUTION NO. 03-220-RP:**

Councilman Phelan moved to fully support the efforts of the Three Affiliated Tribes Game and Fish Division and Tribal Environmental Division to develop and submit grant proposals to the USFWS and further support the implementation of those grant Objectives, as presented to the Natural Resource Committee, once monies are secured and allocated to the Three Affiliated Tribes. Councilman Wells seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**32. ROBERT BRUGH LAND EXCHANGE; RESOLUTION NO. 03-221-RP:**

Councilman Wells moved to do a conditional approval of a land transfer, upon clear title, for Robert Brugh. Councilman Gillette seconded the motion. [317.8 acres in exchange for tribal land of 320 acres.]

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried

**33. MARVIN BELL, 301-U224 LAND PURCHASE; RESOLUTION NO. 03-222-RP**

Councilman Wells moved the purchase of land, exclusive of minerals from Marvin Bell, **301-U224** for a cash consideration of \$9,056.00 which is the actual value utilizing funds from the Docket 350-G Land Purchase Account and authorizes the Chairman of the Tribal Business Council, It's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all of the documents and to do all things necessary to transfer title of the land to the United State of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation. Councilman Phelan seconded the motion.

Allot. #913A, selling his 1/9 interest described as within Lots 5 and 6, S2NEA, SEA OF section 1, T.150 N., R. 95W., Fifth Principal Meridian, North Dakota containing a total of 320.00 acres more or less, **of which his 1/9 interest of 35.56 acres, more or less is valued at \$5,560.00, and**

Allot. #1171, selling his 1/9 interest described as within N2NEA, of Section 18, T.149N. R.91W. Fifth Principal Meridian, North Dakota containing a total of 80.00 acres more or less, **of which his 1/9 interest of 8.89 acres, more or less is valued at \$1,809.00, and**

Allot. #1172, selling his 1/9 interest described as within S2NEA, of Section 18, T.149 N. R.91 W., Fifth Principal Meridian, North Dakota containing a total of 80.00 acres

more or less, of which his 1/9 interest of 8.89 acres, more or less is valued at \$1,687.00, with the total acreage purchased is 53.34 acres, more or less with a total value of \$9,056.00.

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

**34. SUZIE MESTETH 301-U2448 LAND PURCHASE:**

Councilman Wells moved the purchase of land, exclusive of minerals from Suzie Mesteth, 301-U2448 for a cash consideration of \$13,900.00 which is the actual value utilizing funds from the Docket 350-G Land Purchase Account and authorizes the Chairman of the Tribal Business Council, It's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all of the documents and to do all things necessary to transfer title of the land to the United State of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation. Councilman Phelan seconded the motion.

**Allot. #1971, selling her 1/1 interest described as the S2SW4 of Section 35,T. 148 N., R., 93 W Fifth Principal Meridian, North Dakota, containing a total of 80.00 acres more or less valued at \$13,900.00.**

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

**35. FRANCES WOLF LAND PURCHASE:**

Councilman Wells moved the purchase of land, exclusive of minerals from Frances Wolf, 301-U2784 for a cash consideration of \$32,703.00 which is the actual value utilizing funds from the Docket 350-G Land Purchase Account and authorizes the Chairman of the Tribal Business Council, It's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all of the documents and to do all things necessary to transfer title of the land to the United State of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation. Councilman Packineau seconded the motion.

**Allot. #799A, selling her ¾ interest described as N2 of Section 35, T. 149N., R.,94 W., Fifth Principal Meridian, North Dakota containing a total of 320.00 acres more or less of which her ¾ interest of 240.00 acres, more or less is valued at \$32,703.00.**

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



**36. GREGORY BRUERER LAND PURCHASE; RESOLUTION NO. 03-225-RP**

Councilman Gillette moved the purchase of land, exclusive of minerals from Gregory Bruerer, for a cash consideration of \$166,428 at \$575 an acre which is the actual value utilizing funds from the Docket 350-G Land Purchase Account and authorizes the Chairman of the Tribal Business Council, It's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all of the documents and to do all things necessary to transfer title of the land to the United State of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation. Councilman Wells seconded the motion.

**Allot. # 126A: His one-half (1/2) interest totaling 80 acres in SW4 of Section 04, Township 148, Range 88 West, containing 160 acres, more or less.**

**Allot. # 687: His one-half (1/2) interest totaling 20 acres in SW4NW4 of Section 01, Township 148, Range 88 West, containing 40 acres, more or less**

**Allot. # 734: His one-half (1/2) interest totaling 40 acres in N2SW4 of Section 24, Township 148, Range 88 West, containing 80 acres, more or less**

**Allot. #1277: His one-half (1/2) interest totaling 20 acres in SE4SE4 of Section 10, Township 148, Range 88 West, containing 40 acres, more or less**

**Allot. 1277-A: His one-half (1/2) interest totaling 20 acres in SW4SE4 of Section 10, Township 148, Range 88 West, containing 40 acres, more or less**

**Allot. #1499: His one-half (1/2) interest totaling 20 acres in NW4SE4 of Section 5, Township 148, Range 88 West, containing 40 acres, more or less**

**Allot. #3005: His one-half (1/2) interest totaling 49.44 acres in Lots 1,2,3, and 4 in Section 04, Township 148, Range 88 West, containing 98.88 acres, more or less**

**Allot. No. 1498: His interest in the SW4SE4 of Section 05, totaling 49.44 acres in Lots 1,2,3, and 4 in Section 04, Township 148, Range 88 West, containing 40 acres, more or less; this totals 289.44 acres more or less.**

VOTE: 4 Ayes, 2 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**37. LAND LEASE BETWEEN FORT BERTHOLD HOUSING AUTHORITY AND THE THREE AFFILIATED TRIBES FOR HOUSING PROJECT ND-5-31; RESOLUTION**

Councilman Phelan moved to approve the Land Lease for Housing Project ND-5-31 as presented, between the Housing Authority and the Tribe. Councilman Packineau seconded the motion.

VOTE: 3 Ayes 2 Nays, 1 Abstentions, 0 Not voting. Motion carried.

**38. LAND LEASE BETWEEN FORT BERTHOLD HOUSING AUTHORITY AND THE THREE AFFILIATED TRIBES FOR HOUSING PROJECT ND-5-32; RESOLUTION**

Councilman Wolf moved to approve the Land Lease for Housing Project ND-5-32 as presented, between the Housing Authority and the Tribe. Councilman Wells seconded the motion.

VOTE: 3 Ayes 2 Nays, 1 Abstentions, 0 Not voting. Motion carried.

**39. ARM PASTURE LEASE RENEWALS:**

Councilman Gillette moved to approve a farm/pasture lease renewal minus Bernie Fox home site, for **Delores Sand;**

**Allotment No. TF004-G described as NEY4, Section 16, Twp.151, Range 92 W., Fifth Principal Meridian, North Dakota containing 81 cultivated acres of**

**cash rent of \$27 per acre, 72.5 pasture acres for the cash rent of \$3.50, with a total amount per year of \$2,440.75; for five years beginning January 01, 2004 and ending December 31, 2008;**

And to approve a farm/pasture lease renewal for **James Foote;**

**Allotment No. T318A-A6 described as grassland w/w2 section 11, T.A. within SW2/SW4, Section 11, Twp.149, Range 90W, Fifth Principal Meridian, North Dakota containing 72.5 pasture acres for the cash rent of \$3.50 per acre, total amount per year of \$700 for five years beginning January 01, 2003 and ending December 31, 2007. Councilman Packineau seconded the motion.**

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**40. REZONING AND THIRD PARTY RECREATIONAL AGREEMENT AUTHORIZATION; RESOLUTION 03-228-RP**

Councilman Phelan moved to authorize the Natural Resources Department to negotiate and coordinate a recreation lease agreement with the Corps of Engineers and Elmer Fredericks.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**41. NATURAL RESOURCES DEPARTMENT STAFF MEMBER:**

Councilman Wells moved to approve John Jack Rabbithead employment status from temporary to permanent status based on oversight. Councilman Phelan seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried

42. **MELISSA GOOD BIRD:**

Councilman Wells moved to approve the prioritization and relocation of a water line for Melissa Good Bird based on the health condition/handicapped person in the household. Councilman Phelan seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

43. **MADELINE WOUNDED FACE:**

44. **INADEQUATE COMPENSATION FOR ENVIRONMENTAL STAFF:**

Councilman Wells moved to approve adequate compensation that is within the budget from this point forward. No second, motion failed.

Councilman Wells moved to approve adequate compensation that is within the budget from this point forward. Councilman Packineau seconded the motion.

45. **INDIAN HEALTH SERVICES REPORT: SUD Karole Parker**

46. **AUTHORIZATION TO INTERVENE IN THE AMERICAN RIVERS CASE OR, IN THE ALTERNATIVE, TO SUBMIT AMICUS BRIEFS: RESOLUTION 03-229-RP:**

Councilman Phelan moved to authorize attorney Dan Israel to intervene in the American Rivers Case on the Tribe's behalf provided Mr. Israel's legal fee does not exceed the amount provided under his agreement with the Tribe; and further provided that litigation and travel expenses do not exceed \$5,000.00. Councilman Packineau seconded the motion.

VOTE: 4 Ayes, 1 Nay, 0 Abstention, 0 Not voting. Motion carried.

47. **CLEAN FUELS REFINERY:**

Councilman Packineau moved to approve Resolution No. 03-230-RP entitled approval of EIS Study Proposal submitted by Greystone Environmental Consultants, Inc. and authorization for the Chairman to execute a contract with Greystone in the amount of \$343,000.00 which is a 100% Federal Grant. Councilman Phelan seconded the motion.

VOTE: 4 Ayes, 1 Nay, 0 Abstention, 0 Not voting. Motion carried.

48. **FBCC PROMISSORY NOTES; RESOLUTION No. 03-231-RP:**

Councilman Gillette moved to accept the promissory note and approve of a short-term loan for \$50,000 to the Fort Berthold Community College with \$25,000 to be transferred immediately

and the remaining \$25,000 to be transferred on August 27, 2003 with the loan in its entirety is due on Friday, August 29, 2003. Councilman Wells seconded the motion.

VOTE: 5 Ayes, 0 Nay, 0 Abstentions, 0 Not voting. Motion carried.

49. **TEMPORARY HIRE MAINTENANCE DEPARTMENT:**

Councilman Wells moved to hire Tony White Owl, temporary as a maintenance helper. Councilman Phelan seconded the motion.

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

50. **CHIEF JUDGE CONTRACT RENEWAL AND COMPENSATION:**

51. **ADJOURNMENT:**

The meeting adjourned at 1:10 a.m.

**CERTIFICATION OF MINUTES**

The undersigned, as Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum. \_\_\_ Members were present at a **REGULAR Meeting** thereof duly called, noticed, convened, and held on the \_\_\_ day of \_\_\_\_\_ whereupon the Three Affiliated Tribes Recording Secretary presented the foregoing minutes for approval.

Said minutes were duly approved as amended by the affirmative vote of \_\_\_ Members, \_\_\_ Members opposed, \_\_\_ Members abstained, \_\_\_ Members not voting. Motion carried

Chairman ( X ) Voting ( ) Not voting

ATTEST:

\_\_\_\_\_  
Randy Phelan, Executive Secretary  
Three Affiliated Tribes Tribal Business Council

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