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TRIBAL BUSINESS COUNCIL  
REGULAR MEETING  
NO. 04-03-RP 14  
FEBRUARY 12, 2004  
1:00 p.m.

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**CALL TO ORDER AND INVOCATION**

Chairman Hall convened the meeting to order at 11:25 a.m. Councilman Austin Gillette gave the invocation.

**ROLL CALL**

Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Austin Gillette, Councilman Marcus D. Wells, Jr., Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Randy Phelan. A quorum was established with seven members present.

**APPROVAL OF AGENDA**

Councilman Phelan moved for approval of the agenda as amended. Councilman Packineau seconded the motion.

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

**01. CHAIRMAN'S REPORT**

A. Chairman's Report

- Transportation
- For the record: Nathan Hale to put the costs of the TIP in the resolution
- Reorganization Bureau of Indian Affairs
- Budget appropriations
- **HIP PROGRAM:** 014
- Councilman Marcus Wells, Jr., moved for approval to transfer the HIP Program from the Fort Berthold Housing Authority to the Tribal Housing Program. Councilman Randy Phelan seconded the motion.

Councilman Marcus Wells amended his motion to include, "and assigning the current staff with the transfer." Councilman Randy Phelan concurred with the amendment.

VOTE: 4 Ayes, 3 Nays, 0 Abstentions, 0 Not voting. Motion carried.

- **NCAI WINTER SESSION:**

Councilman Phelan moved for approval of a \$500 contribution for Senator Pallone campaign. Councilman Mervin seconded the motion.

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

**02. TREASURER'S REPORT AND RELATED FINANCIAL ITEMS**

**A. CHIEF FINANCIAL OFFICER REPORT:**

**B. CORPORATE AUTHORIZATION RESOLUTION**

Councilman Wells moved for approval of a corporate authorization resolution with the Lakeside State Bank. Councilman seconded the motion.

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

**C. INJUNCTION ON FORECLOSURE:**

Councilman Gillette direct the Legal Department research to draft an injunction or other legal avenues to halt procedures regarding foreclosure issues on Fort Berthold because tribal members have not been treated similarly regarding foreclosures on other nationalities. Councilman Phelan seconded the motion.

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

**03. COUNCIL/COMMITTEE REPORTS**

**A. HEALTH, HUMAN RESOURCES AND EDUCATION COMMITTEE**

**RECOMMENDATIONS:** Councilman Wells moved for approval ratification of the motions from the February 3, 2004 HHR Meeting.

**COMPREHENSIVE ECONOMIC DEVELOPMENT SERVICES:**

Councilman Packineau moved for approval to separate the two departments of CEDS and Planning into two different offices. Sherrie Gillette will work with CEO on the transition, and to forward to the full Council on February 12, 2004. Councilman Wolf seconded the motion.

**ELDERS ORGANIZATION:**

The elders Organization is requesting that the Tribe integrate their program with the Social Service Department to provide some of the services for home care for the elders. The reason for the request is because of their budget reduction. The CEO, Richard Mayer was directed to work with the Elders Organization.

**COURT SYSTEMS**

Councilman Packineau moved for approval directing Tyra Wilkinson to contact Tribal Court on the decision made on a custody case regarding supervised visits. Councilman Wolf seconded the motion.

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

**04. DREAMCATCHER PROGRAM NORTHERN LIGHTS SUBDIVISION PROJECT SECTION 184, LOANS:**

Councilman Phelan moved for approval to authorize Chairman Hall, and Tribal Housing Director to sign off on the Tribal Housing Division, Section 184 Loan closing documents. Councilman Wells seconded the motion.

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

6/16

**INTERIM FINANCING OF \$335,000 FOR THE TWIN BUTTES CUSTOM HOMES WITH THE NATIVE AMERICAN BANK, RESOLUTION NO.**

**04-16-RP:** Note: The Resolution will be drafted by the Tribal Housing Director

Councilman Phelan moved for approval of Resolution No. 04-016-RP, which describes interim financing of \$335,000.00 for the Twin Buttes Custom Homes with the Native American Bank, with the interest and financing paid by the TBCH after the draw down. Councilman Wells seconded the motion.

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

**C. NORTHERN LIGHTS CONSTRUCTION**

The electric poles will be constructed by the end of this week.

**D. MILITARY UNITS CONSTRUCTION:**

Tribe is in litigation with Triumph Moving Contract

**E. MOA WITH THE FORT BERTHOLD HOUSING AUTHORITY:**

The Tribal Housing Division is in negotiations with the Fort Berthold Housing Authority's board members to allow the tribe to utilize the same sources to meet their goals.

**BOTTINEAU HOUSE MOVING CONTRACT:**

Councilman Wells moved for approval of a contract between the Three Affiliated Tribes Bottineau House Moving to move from the Minot Air Force Base, nine (9) individual single-family units of housing, with the contract price not to exceed \$63,000. Councilman Phelan seconded the motion.

DISCUSSION: The owner, in exchange for the work performed under this contract, shall pay the Contractor \$5,000 per each individual single-family unit moved to the staging area. The owner in exchange for the Contractor moving the units from the staging area to the permanent site specified by the owner shall pay the contractor \$2,000 per single unit.

Councilman Wells amended his motion to include the language, "an additional contract between the Three Affiliated Tribes Bottineau House Moving to move nine (9) individual single-family units of housing, with the contract price not to exceed \$46,500." Councilman Phelan seconded the motion.

DISCUSSION: The owner, in exchange for the work performed under this contract, shall pay the Contractor \$2,500.00 for three (3) single-family units moved from the staging area to a site specified by the owner. The owner in exchange for the work performed under this contract, shall pay the Contractor \$3,500.00 for six (6) individual single-family units moved from the staging area to a site specified by the owner. The owner in exchange for the Contractor moving the units from the staging area to the permanent site specified by the owner shall pay the contractor \$2,000 per single unit. The contract price is not to exceed \$46,500.

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

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**HOUSING DEVELOPMENT NEEDS:**

Councilman Gillette moved for approval to direct Paul Danks, Natural Resource Director to submit a report to the Tribal Business Council on March 11, 2004, on the availability of lots within the boundaries of the Fort Berthold Reservation that are tribally owned. Councilman Phelan seconded the motion.

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

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**FY 2004 BUDGET APPROVAL:**

Councilman Wells moved for approval of the Tribal Housing Division Budget at \$770,000, which is the same rate of FY-03. Councilman Gillette seconded the motion.

Councilman Wells withdrew his motion and Councilman Gillette withdrew his second. Richard Mayer and Connie Wilkinson were directed to work with Steve Salveson on the budget amendment. Identify on HIP how much of \$260 can we cut, rate you guys. Richard Need something passed to help someone work on this. We need an accountant. \$16,000 160,000 for FY-03. Change off some of the duties of the program Bring back a letter to bring that item back. Steve to assign someone in-house. We have this in our business plan. Have those included so we know where the

**OFFICE SPACE FOR TRIBAL HOUSING**

Councilman Wells moved for approval for Richard Mayer and Connie Azure Wilkinson to seek out cost estimates and contractor to make the necessary renovations for a new door way to have access to both facilities. Councilman Phelan seconded the motion.

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

C. **JUDICIAL/ALCOHOL & DRUG COMMITTEE**

Richard Mayer informed the Tribal Business Council that Judge Berryhill would stay as the Magistrate Judge and changes the contract from two years to three years and increase her salary. 2) To appoint Patrick Blackhawk as the Magistrate Judge. Councilman Spotted Bear, Committee Chairman has this item on the agenda for the Judicial Committee.

D. **NATURAL RESOURCES COMMITTEE:**  
**RESOLUTION NO.04-017-RP, TRANSPORTATION IMPROVEMENT PROGRAM:**

Councilman Phelan moved for approval of a Resolution entitled, "Transportation Improvement Program." Councilman Wolf seconded the motion.

DISCUSSION: The cost of each project will have to be included in the resolution. The document will include Tribal Housing sub-division plans as part of No. 6, which is Community Development planning and surveys.

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

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For the Record: Nathan Hale will draft a letter to Jerry Fold and Alice Harwood Acting Area Director to come and meet with the Tribe regarding the Northern Lights. Karen Stevens will follow-up with a telephone call regarding the meeting schedule.

FEMA declared the reservation a disaster area, but any money that we spend the Tribe would eat the costs and then be reimbursed, including salary. Nathan Hale requested authorization from the Tribal Business Council to move equipment as needed throughout the reservation, and that it not belong to an individual segment.

**E. RDO EQUIPMENT COMPANY:**

Councilman Phelan moved for approval to give authority to the CEO and Roads Manager to negotiate a fair price for a buyout of the lease to own RDO equipment, provided that the BIA will reimburse the Tribe and if considered unallowable, then to negotiate with Scott Wilson, the CEO of the MHA Holding Company for the buyout for the businesses, and to bring back a final price for approval by the Tribal Business Council. Councilman Wells seconded the motion.

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

Canadian guests spoke to the membership of the committee and introduced his accompanying persons. The Canadians have a lumber company that the tribe could purchase from them.

For the Record: Ed Hall delivered a copy of a proposal that was submitted on September 22, 2004, by the Fort Berthold Development Corporation for a request for Phase Two; to Ramona Two Shield, counter to what the Aberdeen Area Office is alleging. According to Ed Hall, Ramona has been communicating with Lone Tree but we didn't pursue anything load restrictions counter to what. Ramona will follow up on this.

Councilman Gillette informed the Tribal Business Council that he attended the Houston Texas. Exposition with Kyle Baker, and Carson Hood. He said approximately fifty Oil Companies stopped in at the Tribal display and twenty-five companies were very interested in Mineral Development negotiations with the Tribe to lease the minerals under the lake. One company is ready to come and meet with the Natural Resource Committee in February, 2004.

**08. UNFINISHED BUSINESS**

**A. ENVIRONMENTAL UPDATE:**

- Direct Haul Agreement will be ready for action at the TBC Meeting on March 11, 2004. Richard Mayer and Patti Jo Thomas will have ready a Corporation and By-laws which would address limited waiver.

- Indian Health Service Deficiency Appropriations
- EPA Inter-Agency Workgroup Grant/Loan Application
- USDA Rural Development Grant/Loan Application
- EPA Tribal Browns fields Response Program
- User Fee Schedule

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- Purchase of trucks with compatible dumpsters
  - Consultant Agreements [2 ]
  - Legally reimbursable funds

**USDA RURAL DEVELOPMENT GRANT/LOAN APPLICATION-  
CONSULTANT AGREEMENT; LISA REDFORD:**

Councilman Gillette moved for approval to hire Lisa Redford at \$4,000.00, paid in two installments from EPA General Assistance and General Revenue Account or other sources such as the Browns field Response Program to complete the USDA Rural Development Grant/Loan Application. Councilman Phelan seconded the motion.

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

Councilman Wells, Jr., moved for approval to authorize Councilman Packineau to check out the possibility of contracting with Herb Gevings Landfill. Councilman Phelan seconded the motion.

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

**TEMPORARY EMPLOYEE APPOINTMENT, JARET WIRTZ:**

Councilman Wells, Jr., moved for a 90-day appointment with Jaret Wirtz at \$15.00 per hour until advertised and filled. Councilman Gillette seconded the motion.

VOTE: 5 Ayes, 1 Nay, 0 Abstention, 0 Not voting. Motion carried.

▪ **PURCHASING OF A TRIBAL FLAG:**

Councilman Phelan moved for approval to purchase a Tribal Flag for display in the conference room on behalf of Clarenton Cool EPA Deputy Director for Region 8 Councilman Packineau seconded the motion.

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

**B. FORT BERTHOLD COMMUNITY COLLEGE LONG TERM FUNDING PLAN**

Councilman Gillette moved for approval to direct Legal Counsel to review and amend the FBCC's Corporate Charter, by including language that would safeguard the FBCC endowments, to allow only the use of the interest from the principle that they be allowed to borrow money using the principle as collateral, but to put it in proper form. Councilman Phelan seconded the motion.

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

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Richard Mayer will work with Steve Salveson. Add to the March agenda.  
Request a waiver of TERO Fees. Sole sourcing any entity including the  
FBCC. There was a unanimous consent from the Tribal Business Council  
to approve the purchase of a tractor for \$25,000 for the FBCC Agricultural  
Program

**09. NEW BUSINESS**

**A. RESOLUTION NO. 04-018-RP; SAKAKAWEA LANDOWNERS  
ASSOCIATION ALLOTTEE CHARTER:**

Councilman Wells moved for approval of Sakakawea Landowners Association's Charter and Articles of Incorporation, subject to legal review. Councilman Phelan seconded the motion.

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

The members are Pearl Ross, Inez Plenty Chief, Teddy Starr, John Danks, Pete Fredericks, John Fredericks, Sr., Mary Alice Wells and Adrian Foote, Sr., Arnold Charging and Betty Hueiser, Patrick Fredericks and Helen Baker

**B. SAKAKAWEA LAND OWNERS ASSOCIATION CHARTER TRAVEL :**

Councilman Gillette moved for approval to pay travel expenses for John Fredericks, John Danks, Inez Plenty Chief, Pat Fredericks, Pearl Ross, Adrian Foote, and Arnie Charging to attend the allottee meeting at Prairie Knights, North Dakota, on February 18, 2004. Councilman Wells seconded the motion.

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

**C. FORT BERTHOLD LAND & LIVESTOCK ASSOCIATION:**

Councilman Wells moved for approval of a Budget of \$64,000 from the indirect cost settlement and transfer it to the miscellaneous line item to award to the Fort Berthold Land & Livestock Association. Councilman Packineau seconded the motion.

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



**D. AISES FINANCIAL REQUEST**

Councilman Phelan moved for approval to grant AISES Society \$500.00 to help offset the cost of a conference scheduled for April 1-2, 2004 at the University of North Dakota, Grand Forks, ND. Councilman Wells seconded the motion.

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

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**D. NEW TOWN BASKETBALL TEAM**

Councilman Phelan moved for approval of a sponsorship of \$800 per student for Whitney Hale, Nicole Wells, and Shawna Wells from the New Town Girls Basketball team to participate in the, "Australian Down Under Bowl." Councilman Wolf seconded the motion.

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

**E. RONALD LITTLE OWL FAMILY:**

Councilman Gillette moved for approval payment of Ronald Little Owl's bill of \$597 owed to the Prairie View Nursing Home, to come from the Social Service line item. Councilman Phelan seconded the motion.

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

**F. REFLEXOLOGY REQUEST**

Councilman Phelan moved for approval to authorize the CEO to work with Richard Crows Heart, Jr., as a consultant for the George Town Diabetes Phase II Project with final approval by the Chairman. Councilman Wolf seconded the motion.

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

**G. DISTRICT #4 STATE SENATE SEAT**

Councilman Phelan moved for approval of a budget of \$500.00 for Terry Fredericks and \$500 for Phyllis Howard to help defray the costs of their campaigns. Councilman Wells seconded the motion.

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

**H. FLOOD MITIGATION GRANT REQUEST FOR SUPPLEMENTAL FUNDS:**

Councilman Gillette moved for approval pending securing funding for Don Morgan from the FEMA Program, giving Clifton Whitman prior approval to

retain his services, once the money is found. Councilman Packineau seconded the motion.

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

**I. NATURAL RESOURCES DEPARTMENT:**

**CELESTE WITHAM**

Councilman Phelan moved for approval a letter of intent to purchase Celeste Withams land, and directed the Realty Specialist the authority to do an appraisal on the land. Councilman Packineau seconded the motion.

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

**J. TRIBAL HOMESITE LEASE, ELTON SPOTTED HORSE:**

Councilman Phelan moved for approval of a tribal home site lease application for Elton Spotted Horse; description being: allot, no. T690 A-B described as NE1/4 SE1/4, SE1/4, NW1/4 Section 16, Twp. 149, Rge 93, Fifth Principal Meridian, North Dakota containing 2.5 acres or feet for 25 years with an option for 25 more years. Councilman Gillette seconded the motion.

Note: Paul Rosario relinquished his lease on Allotment No. T690A-B Lease No. 93-THO5-2018.

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

**TRIBAL HOMESITE LEASE, ERVIN HALVESON:**

Councilman Phelan moved for approval of Tribal Home site lease application for Ervin Halverson; description being; Allot. No. T1853, described as 113X200ft. Lot #12, Bakersfield, Four Bears Area Twp. 152, Rge. 93, Fifth Principal Meridian, North Dakota, containing 51 acres, for 25 years @ \$50.00 per month. Councilman seconded the motion

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

**TRIBAL HOMESITE LEASE; MILDRED ROUGH**

Councilman Phelan moved for approval of Tribal Home site lease application for Mildred Rough Allot. No. T694A, described a Lot within SE1/4 SE1/4 NE1/4, Sec.11, Twp.149. Rge.94, Fifth Principal Meridan, North Dakota, contain Lot acres for 25 years @ 50 per month. Councilman Packineau seconded the motion.

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

**TRIBAL HOME SITE LEASE; VIVIAN BULL HEAD:**

Councilman Gillette moved for approval of Tribal Home site lease application for Vivian Bull Head, description being, Allot. No. T1853-B, Lot. No. 4, Bakersfield, Four Bears Area, Sec. 16, Twp. 152, Rge. 93, Fifth Principal

Meridian, containing .51 Lot acres for 25 years @ 50 per month. Councilman Packineau seconded the motion.

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

**TRIBAL HOMESITE LEASE, MYRON GOOD BIRD:**

Councilman Phelan moved for approval of home site lease application for Myron Good Bird, description being; Allot. No. T897A, described as SW1/4, NW1/4, NW ¼, NW ¼, OF Lot 1, Sec. 18, Twp. 149, Rge. 93, Fifth Principal Meridian, North Dakota containing 2.50 acres for 25 years @\$25 per month. Councilman Packineau seconded the motion.

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

**TRIBAL HOMESITE LEASE, SANDY YOUNG BIRD:**

Councilman Packineau moved for approval of home site lease application for Sandy Young Bird, description being; Allot. No. 11800, described as 2-5 acres in Lot 2, NE1/4, BIA Survey, Sec. 4 Twp. 148 Rge. 93, Fifth Principal Meridian, North Dakota containing 2.50 acres for 25 years @\$25 per month. Councilman Packineau seconded the motion.

**TRIBAL HOMESITE LEASE, STEPHANIE GILLETTE-MOORE:**

Councilman Gillette moved for approval of home site lease application for Stephanie Gillette Moore, description being; Allot. No. T1853-B, described as Lot 13, Sec. 16, Twp. 152, Rge. 93, Fifth Principal Meridian, North Dakota containing 2.50 acres for 25 years @\$50 per month. Councilman Phelan seconded the motion.

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

**TRIBAL HOMESITE LEASE, BARBARA COUTRE:**

Councilman Gillette moved for approval of home site lease application for Barbara Coutre, described as, Allot. No. T.F.11, Block 9, Couches Addition Twp.150 Rge. 90, Fifth Principal Meridian, North Dakota containing 140X50 Lot for 25 years @\$50 a month. Councilman Packineau seconded the motion.

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

**TRIBAL HOMESITE LEASE, CONNIE AZURE-WILKINSON**

Councilman Phelan moved for approval of home site lease application for description being; Allot. No. T1853-B, described as Lot 13, Sec. 16, Twp. 152, Rge. 93, Fifth Principal Meridian, North Dakota containing 2.50 acres for 25 years @\$50 per month. Councilman Gillette seconded the motion.

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

**ROBERT YOUNG BIRD**

Councilman Phelan moved for approval of a letter of intent to purchase Robert Young Bird at 42.66 acres. Councilman Packineau seconded the motion.

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

**CLAUDE BADBRAVE:**

Councilman Gillette moved for approval to object to the sell of Claude Bad Brave Land to fee patent status. Councilman Wolf seconded the motion.

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

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**DEBORAH SUSTRICH LAND SALE, 301-U2184:**

Councilman Phelan moved for approval of a land sale to the Three Affiliated Tribes from Deborah Sustrich, enrollment number 301-U2184 for:

Allot. No. 126A, her undivided ½ interest totaling 80 acres in the SW1/4, Section 4, Twp. 148 N., Rge. 88 W., containing 160 acres, more or less, valued at \$46,000.00;

Allot. No. 687, her undivided ½ interest totaling 20 acres in the SW1/4, NW1/4 Section 1, Twp 148 N., Rge. 88 W., containing 40 acres, more or less, valued at \$11,500.00

Allot. No. 734, her undivided ½ interest totaling 40 acres in the N1/2 SW1/4, Section 24, Twp. 148 N., Rge. 88 W., containing 80 acres, more or less, valued at \$23,000.00;

Allot. No. 1277, her undivided ½ interest totaling 20 acres in the SE1/4, SE1/4, Section 10, Twp. 148 N., Rge. 88 W., containing 40 acres, more or less, valued at \$11,500.00;

Allot. No. 1277-A, her undivided ½ interest totaling 20 acres in the SW1/4, SE1/4, Section 10, Twp. 148 N., Rge. 88 W., containing 40 acres, more or less, valued at \$11,500.00;

Allot. No. 1499, her undivided ½ interest totaling 20 acres in the NW1/4, SE1/4, Section 5, Twp. 148 N., Rge. 88 W., containing 40 acres, more or less, valued at \$11,500.00;

Allot. No. 3005, her undivided ½ interest totaling 49.44 acres in Lots 1,2,3,&4, Section 4, Twp. 148 N., Rge. 88 W., containing 98.88 acres, more or less, valued

at \$28,428.00, for a cash consideration of \$143,428.00 which is the negotiated price. Councilman Gillette seconded the motion.

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

**K. EDUCATIONAL LOANS**

Councilman Gillette moved for approval of the Higher Education Grant Program Director's recommended student educational loans:

Shawn Charging,[\$2000] Justin Deegan [\$2000] Melford Gunderson, Jr. [\$2000] Nicole Gunderson [2000]Andrew Reed [\$2000] Cory Spotted Bear [\$2000] Christopher Taylor [\$2000]. Councilman Phelan seconded the motion.

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

Councilman Phelan moved for approval an educational loan for Karen Smith and Cody White Bear, subject to availability of funds and reviewed by the Higher Education Director. Councilman Gillette seconded the motion.

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

**MHA ENTERPRISES:**

Councilman Phelan moved for approval to support the MHA Enterprises with a \$70,000 grant. Councilman Packineau seconded the motion.

VOTE:

**RESOLUTION 04-022-RP, MANDAREE LAGOON:**

Councilman Phelan moved for approval of a Resolution entitled, "Requesting the Indian Health Service to work with the Tribe in awarding a design/build Contract for the Expansion of the Mandaree Lagoon in the Fort Berthold Development Corporation." Councilman Packineau seconded the motion.

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

**RESOLUTION NO. 04-023-RP, U.S.D.A.2.5 MILLION LOAN:**

Councilman Phelan moved for approval of a amended Resolution entitled, "Authorization to temporarily use the Net Distributions from the Four Bears Casino and Lodge to the tribes as collateral for the \$2,507,000 USDA Loan for North Segment Community Center Project." Councilman Wolf seconded the motion.

DISCUSSION: Amended language in the Resolution in the Now therefore be it resolved," up to the monthly amount of the payment for said loan." 2) to clarify payment schedule 3) collateral 3-6 months if default- take payment out of Casino revenue.

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

**RESOLUTION NO. 04-024-RP**

Councilman moved for approval of a Resolution entitled, Support for ITEA's ANA Grant Application. Councilman seconded the motion.

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

**RESOLUTION NO. 04-025-RP**

Councilman moved for approval entitled, "Authorization for Health Resources and Services Administration, U.S. Department of Health and Human Services and Associates to and conduct the North Dakota American Indian Behavioral Risk factor surveillance survey of willing native residents of the Fort Berthold Reservation. Councilman seconded the motion.

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

**RESOLUTION NO. 04-026-RP**

Councilman moved for approval of a Resolution, entitled, "Authorization for the UND Psychology Department to conduct a dementia screening and dementia assessment of willing elder of the Mandan, Hidatsa and Arikara Nation." Councilman seconded the motion.

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

**RESOLUTION NO. 04-027-RP**

**RESOLUTION NO. 04-028-RP**

L.

**MICHAEL WHITE BODY FINANCIAL REQUEST:**

It was the consensus of all members to award Michael White Body \$500 to participate in the King Kamehameha Pigskin classic in Honolulu, Hawaii on June 8-15, 2004.

*Tax motion Paul Tobacco Tax Purpose Tax ordinance*

M.

**ASSOCIATE MEMBERSHIP**

Steve Kelly will look at the Fort Peck membership.

N.

**KATHERINE YOUNG BEAR FINANCIAL MEDICAL REQUEST**

Councilman Phelan moved for approval of a medical grant of \$429 to Katherine Young Bear, and for the CEO to work with Social Services in issuing payment of the grant. Councilman Wolf seconded the motion.

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

P.

**YOUNG BIRD & ASSOCIATES:**

Councilman moved for approval to send Young Bird and Associates a Notice of Termination of Agreement



**TRIBAL BUSINESS COUNCIL  
PERSONNEL MATTERS  
FEBRUARY 16, 2004**

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**01. TEMPORARY HIRE-HEALTH SYSTEMS:**

Councilman Gillette moved for approval of the temporary 30 day hire of Marcy Sun to work the proper PCC Data Entry. Councilman Packineau seconded the motion.

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

**02. REQUEST FOR HIRE-KDU:**

Councilman Gillette moved for approval of the hire of Linda Rauser as a full-time LPN for the Kidney Dialysis Unit. Councilman Packineau seconded the motion.

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

**03. REQUEST FOR HIRE – KDU:**

Councilman Gillette moved for approval to hire Charlene Samuelson part time R.N. for the Kidney Dialysis Unit at \$20 per hour. Councilman Packineau seconded the motion.

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

**04. REQUEST FOR PERMANENT STATUS MAILROOM/TRANSFER TO SMALL LOANS:**

Councilman Phelan moved for approval to extend Maggie Halverson's 30-day appointment at the Small Program, until the status of the mailroom position is clarified. Councilman Packineau seconded the motion.

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

**05. REQUEST FOR HIRE ENVIRONMENTAL CONSULTANT AGREEMENTS, JARET WIRTZ:**

Councilman Wells, Jr. moved for approval of a 90-day consultant agreement with Jaret Wirtz at \$15.00 per hour. Councilman Gillette seconded the motion

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

**ENVIRONMENTAL PROGRAM:**

Councilman Gillette moved for approval to hire Lisa Redford as a consultant to complete the USDA Rural Development Grant/Loan application, to be paid with EPA or other sources, with her fee being \$4000.00. Councilman Phelan seconded the motion.

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

05. **MAINTENANCE DEPARTMENT:**

Councilman Phelan moved for approval to change the employment status of Frances Swift Eagle from temporary to permanent. Councilman Packineau seconded the motion.

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

06. **PARSHALL RESOURCE CENTER/DETOX/HEALTH CENTER:**

Councilman Packineau moved for approval to authorize change the temporary status of Jerry Irwin from the [Detox Budget] and Darryl Fox [Health Center Budget] from temporary to permanent. Councilman Phelan seconded the motion.

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

07. **KIDNEY DIALYSIS UNIT:**

Councilman Gillette moved for approval of the resignation letters from Charles Felix (KDU), Marian Rasmussen from the Kidney Dialysis Unit, and Kerri Wilson, from the Social Service Department; and a lay-off for Connie Howling Wolf from the Social Service Department. Councilman Packineau seconded the motion.

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

08. **WHITE SHIELD ROADS DEPARTMENT :**

Councilman Gillette moved for approval of the hire of Timothy White Bear for the position within the Roads Department in White Shield area, with pay whatever is considered in the budget. Councilman Phelan seconded the motion.

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

09. **ROADS DEPARTMENT:**

Councilman Gillette moved for approval the termination of Frank Black from the Roads Department for failure to comply by the Circle of Life Treatment Center. Councilman Wells seconded the motion.

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

10. **EDUCATION DEPARTMENT:**

Councilman Wells moved for approval to lay-off Debbie Hosie, subject to a written request. Councilman Phelan seconded the motion.

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

11. **EDUCATION DEPARTMENT, BERNADINE YOUNG BIRD:**

The CEO reported that after investigating the incident, he will rescind the suspension from Bernadine Young Bird's file and give her a letter of warning but that she will file a grievance according to policy.



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12. **RECOMMENDATIONS FROM HEALTH& HUMAN-EDUCATION COMMITTEE:**

Councilman Wells moved for approval of the recommendations from the meeting of February 3, 2004. Councilman Phelan seconded the motion.

VOTE: 4 Ayes, 1 Nay, 2 Abstentions. 0 Not voting. Motion carried.

A. **COMPREHENSIVE CONOMIC DEVELOPMENT DEPARTMENT**  
**SHERRI GILLETTE; Recommendations from HHR Committee February 3, 2004**

*Councilman Packineau moved for approval to separate the CEDS Department into two departments of CEDS and Planning into two different offices. Sherri Gillette will work with Richard Mayer, the CEO on finding office space for the Planning Department and to forward this recommendation to the full Council on February 12, 2004. Councilman Wolf seconded the motion.*

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

It was consensus of the Tribal Business Council members to direct the Chief Financial Officer the authority to work a budget amendment to transfer Sherrie Gillette under the supervision of the CEO and to also transfer the projects Sherrie is working on with new monies to accompany the position.

B. **ELDERS ORGANIZATION; Recommendations from HHR Committee February 3, 2004**

*Councilman Packineau moved to forward the elders Organization's proposal to consolidate their program with other tribal programs to continue their services, to request the tribe to pick up some of the employees staff consolidation with other programs, and to transfer this recommendation to the full council on February 12, 2004. Councilman Wolf seconded the motion.*

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

At the TBC Meeting on February 16, 2004, the Tribal Business Council authorized Richard Mayer, the Chief Executive Officer to work with the Elders Organization on a preliminary plan regarding a transition of the program to the Tribal Programs.

**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum \_\_\_\_\_ were present at the \_\_\_\_\_ Meeting thereof duly called, noticed, convened and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2004; that the foregoing minutes were amended and duly adopted at such meeting by the affirmative vote of \_\_\_\_\_ members; \_\_\_\_\_ members opposed; \_\_\_\_\_ members abstained; \_\_\_\_\_ Members not voting.

Chairman [ ] Voting. [ ] Not voting.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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**ATTEST:**

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Randy Phelan, Executive Secretary  
Tribal Business Council, MHA Nation

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Tex G. Hall, Tribal Chairman  
Tribal Business Council, MHA Nation