



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 05-09-NH
APRIL 21, 2005**

CALL TO ORDER:

Vice-Chairman Marcus D. Wells called the meeting to order at 10:30 a.m., with invocation by Councilman Malcolm Wolf.

ROLL CALL:

Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Nathan Hale. A quorum was established with seven members present.

01. APPROVAL OF THE AGENDA:

Councilman Whitecalfe moved for approval of the agenda as amended. Councilman Hale seconded the motion.

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

02. LEWIS AND CLARK PRESENTATION:

Descendants of Lewis & Clark Expedition gave presents and took pictures with the Tribal Business Council.

03. JUDY YOUNG BEAR PRESENTATION:

Councilman Wells Jr. moved for approval to authorize the Tribal Housing Division to negotiate with off reservation home sales to purchase a modular home for Judy Young Bear, at a cost not to exceed \$72,000. Councilman White Calf seconded the motion.

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

04. MANDAREE TRIBAL HISTORY TEAM

Councilman Hale moved for approval to grant \$500 per student that participates in the Mandaree Tribal History Team to travel to Washington, D.C. to attend the National History Finals. Councilman Packineau seconded the motion.

Councilman Hale amended his motion to add, "With the Four Bears Casino and Lodge to match the \$500 per student tribal contribution." Councilman Packineau concurred with the amendment."

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

05. RESOLUTION NO.05-64-NH, SAKAKAWEA LANDOWNERS ASSOCIATION:

Councilman Wells Jr. to approve a Resolution entitled, "Lake Sakakawea Landowners Association," Parity Act" as presented. Councilman Spotted Bear seconded the motion.

Note: [Legal will draft the Resolution in proper format]



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

06. **LAKE SAKAKAWEA CASINO, "DALE LITTLE SOLDIER, ERNEST MONEY:"**
Councilman White Calf moved for approval to adopt the letter, subject to the approval of the Casino Beaver Creek Finance Resolution, which will be presented later in the meeting today. Councilman Packineau seconded the motion.

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

07. **DENNIS BURR FINANCIAL REQUEST:**
Councilman Spotted Bear moved for approval of a loan of \$3,000 to Dennis Burr for living expenses and because of an extenuating medical condition. Councilman Wells, Jr. seconded the motion.

Discussion: The Director of Small Loan Program commented that he adheres to the stipulations of loan policies, and when someone cosigns a loan that becomes in default, they are also responsible for that obligation.

Councilman Spotted Bear moved for approval to amend his motion to read, "To approve a one-time grant in the amount of \$1,000 and approval of a \$2,000 loan, because of Mr. Burr's extenuating medical circumstances. Councilman Wells Jr. seconded the motion.

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

08. **AUTHORIZING THE DEVELOPMENT OF A ZONING ORDINANCE:**
Councilman Packineau moved for approval of a Resolution entitled, "Authorizing the Development of a Zoning Development Ordinance governing development of lands on the Fort Berthold Indian Reservation." No seconded, motion dies.

Gloria Fast Dog asked to be recognized and said that as of 12:50 pm, she will be on leave while she addressed the Tribal Business Council. She said, "I'm a direct decedent of Chief Four Bears, and I don't like the fact that his name is spoken in a manner of disrespect. If his name is going to be spoken in this manner then change the name to something else." She said that at 12: 55 pm, she checked back in to work.

09. **BEHAVIORAL RISK FACTOR SURVEILLANCE SURVEY RESULTS**
Power Point Presentation-
Specific to the Mandan Hidatsa and Arikara Nations, "Behavioral Risk Factor Surveillance Survey Results, "Final Report will be done by June. Access or copies are not available to other than the Tribal Council. Councilman Hale clarified that any other agency wanting a copy of these documents will need to make a request through Health, Human, and Education Committee/Secretaries Office.



10. RESOLUTION 05-65-NH, NORTHERN PLAINS TRIBAL STD/HIV/AIDS ASSESSMENT PROJECT:

Councilman White Calfe moved for approval of a Resolution entitled: "Northern Plains Tribal STD/HIV/Aids Assessment Project," with the following amendments:

"Northern Plains Tribal STD/HIV/AIDS Assessment Project shall belong to the Three Affiliated Tribes and such information and data shall not be released in any form to any individual, agency, or organization with out the express written authorization of the Three Affiliated Tribes Tribal Business Council." Councilman Wolf seconded the motion.

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

11. DENNIS BURR GRANT FOR LIVING EXPENSES:

Councilman Spotted Bear moved to rescind his original motions and moved for approval of a \$3,000 grant for living expenses to Dennis Burr, because of his extenuating medical conditions. Councilman White Calfe seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting, Motion carried

12. FOUR BEARS MULTI-USE TRAIL:

Councilman Wells Jr. moved for approval to proceed with the Four Bears Multi-Use Trail Project. Councilman Hale seconded the motion.

Approved plan by the Tribal Business Council:

(C) Consensus of the Tribal Business Council

(1) Option Consensus of the Tribal Business Council

(D) Parking Lot on South Side Consensus of the Tribal Business Council

Option: Trail Head Kiosk Consensus of the Tribal Business Council

What Location? (D) East End on South Side: Consensus of the Tribal Business Council

A Linear off set bridge Consensus of the Tribal Business Council

5 of 5 Higher-Up Consensus of Tribal Business Council

Scenic over Look- Hold 4-5 Cars (East end Southside) Consensus of the Tribal Business Council. The plan will be constructed next year before the signature event.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting, Motion carried

13. CHAIRMAN'S REPORT

- Senate Bill 2041/ 2006
- Army Corp of Engineers Water Intake Update:
Parshall Intake cost \$ 2.4 million from Corp of Engineers. EPA cannot do the well system anymore legally.
- White Shield had problems with low lake levels.
- Mandaree has concerns of in-take level. Monday 25, Coronal B will be here to meet with the tribe.
- Support for tribes, opportunity for drought reservation.
- Four Bears Bridge:



Councilman Wolf wanted a meeting concerning hiring practices for working on the bridge. The OSHA report is almost finalized regarding the fatality on the bridge,. Deadline for accepting comments on hiring practices of FRU-CON will be taken until May 14, 2005

- **BOR Litigation Report:**
Chairman Hall assured the council that it was a successful, court case and will provide copies to council members.
- **Twin Buttes School Board:**
The Tribal Business Council asked for a written financial report, and expressed the importance of working together with Tribes and School. Loren Donovan from the Bismarck Tribune should be in communication with the School Board. Any statement should come right from the School Board itself.

14. **RESOLUTION NO. 05-66-NH, CONSTRUCTION OF TWIN BUTTES SCHOOL:**
Councilman Spotted Bear moved for approval of a Resolution entitled, "Construction of the Twin Buttes School." Councilman Hale seconded the motion.

DISCUSSION: The amount that the Tribe is committing to the construction of the building was clearly defined as \$4Mil.

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

15. **RESOLUTION NO. 05- 67-NH, IDENTIFICATION AND DEDICATION OF TRIBAL LAND FOR THE TAT HEALTH CARE FACILITY.**
Councilman Wells Jr. to approve resolution entitled, "Identification and Dedication of Tribal Land for the Tat Health Care Facility." Councilman Hale seconded the motion.

DISCUSSION: The land description is defined in the Resolution.

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

16. **TRIBAL YOUTH PROGRAM PROJECT:**
Councilman Hale moved for approval to transfer the Tribal Youth Program Project (Patti Grant) from the Social Service Department to the Gerald T. Fox Juvenile Justice Center. Councilman Wells seconded the motion.

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

17. **CIRCLE OF LIFE ADDICTION COUNSELOR:**
There was a request from the supervisors for a salary increase for the Addiction Counselor. Councilman Hale pointed out that the Tribal Business Council has put a freeze on all salary increases until the budget could be balanced.



18. LAKE BARTLETT AND WEST LA OLSON:

- Environmental assessment -buyout from Dale Little Soldier.
- Services and design A&E already was completed by BIA. Start construction by the end of June 2005 and to have the grand opening of the Casino by June 2006.
- Feasibility study includes 500 machines and 80 rooms.
- \$18 Million for the final project.

19. WILLIAM STANDISH BUSINESS LOAN:

Councilman Whitecalfe moved for approval a \$20,000 loan to William Standish through the Independence Program, subject to the policies and procedures. Councilman Wells seconded the motion.

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

20. EDUCATIONAL LOAN, CHERYL BRUCE DANKS:

Councilman Wells moved for approval a \$6,000 educational loan to Cheryl Danks with a repayment of 2%, subject to the policies and procedures of the program. Councilman Whitecalfe seconded the motion.

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

21. PURCHASE OF MOBILE HOME RICHARD/GINA MAYER:

Councilman Whitecalfe moved for approval to purchase a double wide mobile home from Richard and Gena Mayer at the appraisal price of \$36,500. Councilman Spotted Bar seconded the motion.

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

22. APPROVAL TO OPEN TRIBAL HOUSING DIVISION BUSINESS ACCOUNTS:

Councilman Wells moved for approval, authorization to set-up an escrow account with Bremer Bank of Minot; and a request to set-up a business checking account for THD receipts with Lakeside State Bank, with Monica Rabbithead as the Finance Department point person. Councilman Hale seconded the motion.

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

23. AUTHORIZATION TO PURCHASE REAL ESTATE IN NEW TOWN:

Councilman Whitecalfe moved for approval the authorization to purchase the following property, subject to legal review. Councilman Hale seconded the motion.

LEGAL DESCRIPTION: Township; New Town Breslin Addition, Block 3, Lot 7
Lot Size: 66X170
Selling Price: \$6,000
Seller: Delores Sand [No water & sewer] Cistern

LEGAL DESCRIPTION: Township; New Town, Block 2, Lot 6



Lot Size: 131.50 X 162.07
Selling Price: \$22,351.00 Double lot
Seller: Sharol Kay Johnson

LEGAL DESCRIPTION: Township; New Town, Breslin Addition, Block 1, Lot 8

Lot Size: 66 X 170'
Selling Price: \$8,000
Seller: Fritz Bird Bear [No water & sewer] Cistern

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

24. **RESOLUTION NO. 05-68-NH, PROPOSAL TO RELOCATE EXCESS MILITARY HOUSING FROM THE GRAND FORKS AIR BASE:**

Councilman Whitecalfe moved for approval to authorize the Tribal Housing Division to seek and obtain an unsecured general obligation operating loan of \$300K from Bremer Bank, Minot Branch, to be used as a development loan to pay for relocating, labor, material costs, development, and set up military units received from Grand Forks Air Force base. Councilman Spotted Bear seconded the motion.

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

25. **RESOLUTION NO. 05-69-NH, AUTHORIZATION TO MODIFY RESOLUTION: "AUTHORIZATION TO APPLY FOR GRANT-OTTO BREMER FOUNDATION:"**

Councilman Whitecalfe moved for approval to give the Tribal Housing authorization to modify the "Otto Bremer Foundation Grant Resolution" to include a Credit Management Program along with the Down Payment Assistance Program. Councilman Wells seconded the motion.

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

26. **AUTHORIZATION TO RENEW LOAN OFFICER CONSULTANT AGREEMENT:**

Councilman Whitecalfe moved for approval of a Consultant Agreement with Lori Pemberton for one year, subject to the same conditions and duties as outlined in current consultant agreement; at a bi monthly rate of \$2800, for a total not to exceed \$33,600. Councilman Packineau seconded the motion.

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

27. **RESOLUTION NO. 05-70-NH, RECONTRACTING FOR HIP FY-05:**

Councilman Hale moved for approval of a Resolution entitled, "Re-Contracting for HIP FY-05." with an amendment; subject to any appeals the Tribe may have on behalf of its applicants." Councilman Packineau seconded the motion.

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



28. MDEKAWAKAN – SHAKOPEE EDUCATIONAL GRANT OF \$20,000 MASTER DEGREE WOMEN:

Councilman White Calfe moved for approval to accept \$20,000 grant from the Shakopee Mdekawakan Tribe to pay for student loans for 20 students who received their Masters Degrees from Mary University last year. Councilman Wells seconded the motion.

Councilman Whitecalfe amended his motion to, include the presentation of a genuine War Bonnet” that will be given to the Shakopee-Mdekawakan Tribe. Councilman Wells concurred with the amendment.

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

29. RESOLUTION NO. 05-71-NH, INTERTRIBAL COUNCIL ON UTILITY POLICY:

Councilman Wells moved for approval to have Legal Counsel draft a Resolution entitled, “Requesting Legislation for WAPA to Purchase Tribal Power.” Councilman Spotted Bear seconded the motion.

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

30. TAX CREDITS NATIVE ENERGY ADVISORY COUNCIL:

Councilman Wells moved for approval to appoint Tex G. Hall as a member of the new Energy Tax Credit Native Energy Advisory Board, with Councilman Nathan Hale as the alternate. Councilman Packineau seconded the motion.

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

31. COPS FAST PROGRAM:

Councilman Packineau moved for approval to appoint Carmen Halverson to the Cops Fast Program for the Four Bears Area at the request of Criminal Investigator Heart and Chief Felix, and subject to a background check. Councilman Wells seconded the motion.

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

32. TRIAD CONTRACT:

- Presentation was done by UOP
- No proposal or cost dollar as yet Triad Contract
- Triad has configuration
- Process Flow Scheme

33. JOSHUA SAYLOR FINANCIAL REQUEST:

Councilman Wells moved for approval to purchase a \$1300 round trip ticket for Joshua Saylor that will be repaid by a wage assignment from Dr. Verlee Saylor; and a \$500 grant from Grants and Donations. Councilman Hale seconded the motion.

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



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34. **PROPERTY & SUPPLY CLERK: PERSONNEL MATTER**
35. **BYRON MATTHEWS SECURITY OFFICE: PERSONNEL MATTER**
36. **DEB CHASE BELL SALARY INCREASE: PERSONNEL MATTER**
37. **RESOLUTION NO. 05-72-NH, DAYLON SPOTTED BEAR:**
Councilman Wells moved for approval of a \$15,000 loan to Daylon Spotted Bear, (that will be fully secured by his retirement fund) to get creditors paid up in order to be eligible for a homeownership unit. Councilman Whitecalfe seconded the motion.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
38. **RESOLUTION NO. 73-NH, TRAFFIC SAFETY PROGRAM BIA:**
Councilman Spotted Bear moved for approval of a Resolution entitled, "Authorization to apply for FY-06 Bureau of Indian Affairs Highway Safety Program." Councilman Packineau seconded the motion.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
39. **RESOLUTION NO. 05- 74-NH, TRAFFIC SAFETY PROGRAM-STATE:**
Councilman Spotted Bear moved for approval of a Resolution entitled, "Authorization to apply for Tribal Safety Program to apply for FY-06 North Dakota Department of Transportation Enhancement Program." Councilman Spotted Bear seconded the motion.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
40. **DHHS INJURY PREVENTION PROGRAM APPLICATION FOR GRANT:**
Councilman Spotted Bear moved for approval of an application to DHHS, Prevention Program Grant for \$75,000 @ 5 years with a required tribal match of \$25,000 per year. Councilman Wells seconded the motion.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
41. **DHHS INJURY PREVENTION PROGRAM APPLICATION FOR GRANT OF \$10,000.**
Councilman Spotted Bear moved for approval of a "DHHS Injury Prevention Grant of \$10,000. Councilman Wells seconded the motion.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
42. **RECESS MEETING:**
Chairman Hall recessed the meeting at 8:35 p.m.




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 7 were present at the Regular Meeting thereof duly called, noticed, convened and held on the 15 day of August, 2005; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 Members not voting.

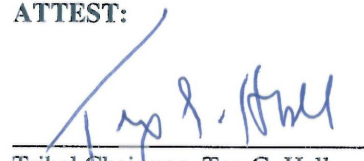
Chairman Voting. Not voting.

Dated this 15th day of August, 2005.

ATTEST:



Tribal Secretary, Nathan Hale
Tribal Business Council,
Three Affiliated Tribes



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