



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING  
08-23-VJB  
August 14, 2008  
10:00 A.M.**

**I. CALL TO ORDER:**

The meeting was called to order at 10:34 A.M.

**II. PRAYER:**

Spencer Wilkinson Sr.  
Honorarium is given to him.

**III. ROLL CALL:**

Councilman Barry Benson, Councilman Frank Whitecalfe,  
Councilwoman V. Judy Brugh, Chairman Marcus Wells Jr.,  
Councilwoman Evelyn Hale, Councilman Mervin Packineau,  
and Councilman Malcolm Wolf. A quorum is established.

**IV. APPROVAL OF AGENDA:**

Councilman Benson-Sunrise Oil Propane Proposal 11C  
Councilman Whitecalfe-Mr. & Mrs. Kevin Young Bird 7B  
White Shield June Berry Project  
Request 11A

Councilwoman Hale-Reserved

Chairman Wells Jr.-Reserved

Councilman Wolf-Reserved

Councilman Packineau-Housing/Moving request for Daughter-  
Sally White 5B

Councilwoman Brugh-Reserved

Councilman Packineau moved to approve the amended agenda,  
seconded by Councilwoman Brugh.

Discussion:

No discussion.

VOTE:

7 Ayes 0 Nays Motion carried.

**V. APPROVAL OF MINUTES:**

**A. Approval of Minutes**

January 7, 2008

February 4, 2008

January 10, 2008

February 11, 2008

January 11, 2008

February 14, 2008

January 24, 2008

March 13, 2008

January 30, 2008

March 27, 2008

Councilman Packineau moved for a blanket approval on ten (10) sets of minutes, seconded by Councilman Whitecalfe.

Discussion: Subject to review. There are some Typos.

VOTE: 7 Ayes 0 Nays Motion carried.

**B. Housing & Moving Request for Daughter-Elder Sally White**

Councilwoman Brugh moved to approve of a relocation loan for Roberta Krueger for \$2,000.00, seconded by Councilman Packineau.

Discussion: This is to rent a u-haul and travel expenses. What about the house by the clinic for her to live in? Cammie will fallow up with Stella Berquist and Sally White.

VOTE: 7 Ayes 0 Nays Motion carried.

**VI. CHAIRMAN'S REPORT: Marcus Wells Jr.**

A report was given.

**VII. Federal Programs Director: Cammie Gosnell (Executive Closed Session)**

**A. Social Service Organizational Chart**

Councilman Wolf moved to approve the organizational chart as presented by Federal Programs Director Cammie Gosnell. The motion dies due to lack of a second.

Councilman Wolf moves to approve the Organizational Chart as presented if the two previous employees can be moved into the other vacant slots, seconded by Councilman Packineau.

Discussion: Two positions have been abolished; they are Child and family services-Data Specialist and Child Protection Services-Assistant Specialist. An Investigator is added. There will be an Assistant underneath the Social Service Administrator whom will be doing the data work. It is up to the Director Renee Mayer and Federal Programs Executive Officer Cammie Gosnell to place workers in the vacant slots.

VOTE: 6 Ayes 1 Nays (Brugh) Motion carried.

**B. GIS/GPS Equipment**

Councilman Barry Benson will check with Natural Resources, Annette Young Bird regarding the Map equipment and the move

to the Oil and Gas Office in New Town. The equipment was purchased with Federal dollars. Fred may have to purchase his own equipment.

**C. Kevin and Denise Young Bird**

Discussion only.

**D. Tribal Business Council to do the Hiring and Firing.  
Rescind 07-01-VJB and Reinstate with 93-33-JJR  
(closed session)**



**E. FBHA Resolution Regarding Construction of 200 Homes-  
Dennis Fox**

Councilman Packineau moved to approve of the 200 homes to be built for \$20 Million dollars to be started on in Fiscal year 2009, seconded by Councilman Wolf.

Discussion: This is subject to budgeting and availability of funds through lease bonuses. No resolution number given until a resolution is prepared and presented in the correct format. Dennis Fox and Becky Knight are to develop the resolution. This will be an appropriation from the Tribe. Dennis Fox is to be given the lead on this. There will be 30 units in each segment to be allocated by the Council representatives in rural or residential areas also to be working in coordination with the Housing Board. These homes are to be purchase and then conveyed they are not rentals. There will be 20 more homes for the Chairman to allocate. These are to be 3 or 4 bedroom homes.

VOTE:

7 Ayes 0 Nays Motion carried.

**F. Bureau of Indian Affairs Superintendent Howard Beamer  
Land Issues 6 Mile Line (Closed Session)**

**G. Malcolm Wolf Land Exchange Issues Bureau of Indian  
Affairs Howard Beamer**

Councilman Packineau moved to approve to partition the property within the nine transactions that we have taken care of with resolution numbers 06-122-, 07-131, and incorporate the information from Carla Clark, seconded by Councilman Wolf.

Discussion: To work with Carla Clark in  
Aberdeen Area. There were three options that were discussed.  
VOTE: 5 Ayes 0 Nays 1 Abstention (Wolf) 1  
Absent Motion carried.

**H. Howard Beamer BIA**

He gave an update.

**I. \$900,000.00 from Dream Catchers/General Fund for  
Independence Loans**

Councilman Packineau moved to approve to have the Independence program utilize the funding that was originally slated from the Dream catchers CD in the amount of \$900,000.00 to be now funded by the General Fund, seconded by Councilman Wolf.

Discussion: We were originally going to use the  
CD until the oil money came in. This is subject to availability.  
VOTE: 7 Ayes 0 Nays Motion carried.

**J. Resolution 08-134-VJB: Child Support Enforcement-  
Ellen Wilson**

Councilman Benson moved to approve of a resolution entitled, "FY 09 Child Support Budget". The motion is seconded by Councilman Packineau.

Discussion: Almost \$600,000.00 in grant. Ellen advises this program is the only one in North Dakota receiving this grant.

VOTE: 7 Ayes 0 Nays Motion carried.

**K. Consultant Contracts Perry Brady**

Councilman Wolf moved to approve two consultant contracts 1).Accountant 2).Grant Writer @ \$1,200.00 per month per employee times fives months for a total of \$12,000.00 without fringe. The motion is seconded by Councilman Whitecalfe.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

**L. Secure Site for Remains of Ancestors**

Councilwoman Brugh moved to approve \$3,616.23 for cemetery fence, monument, and materials to secure the site for the remains of our ancestors for the Tribal Historic Preservation office, seconded by Councilwoman Hale.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

**M. No Passing Zone**

Councilman Packineau moved to approve a letter to Governor Hoeven and to CC: Mr. Peterson regarding trucks traveling on highways on the reservation, seconded by Councilwoman Brugh.

Discussion: 1.) No passing zone on state highway 22 commencing at JCT 8 and State Highway 22 commonly know as Scenic 23 Restaurant area and to continue west to the city of NewTown with a no passing zone to end at mile marker #52 which is close or nearby the residence of Mr. Lindley. 2.) Request a 55 mile zone to be applied to the State Highway 1804 for trucks traveling to the city of NewTown commencing at mile marker #249 and will ensure to the speed limits of 25 mph that have already been in place on this highway. 3.) Request for patrol service on 1804 Truckers are not adhering to posted signs which not only includes speed limits but the usage of jack brakes. Requesting to be handled immediately.

VOTE: 7 Ayes 0 Nays Motion carried.

**N. Vangie Conklin Personnel Issue**

Discussion only.

**VIII. Program Analyst: Laurie Alberts**

Laurie gave an update. Laurie is given permission to attend a month long training on Environmental training through United Tribes on-line at no cost to the tribe.

Councilman Packineau moved to approve of Jolene Lockwood to work with the Veterans Office to head up a military drive for the troops in Iraq, seconded by Councilman Wolf.

Discussion: This is to collect items for the soldiers abroad. To include TAT flags.

VOTE: 7 Ayes 0 Nays Motion carried.

**IX. Elbowood Health Care Facility Update: Jim Foote**

**A. New Town Lagoon**

Councilman Benson moved to approve the New Town Lagoon System as priority #1, seconded by Councilman Wolf.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.

**B. Waiver of TERO FEE for Elbowoods Healthcare Facility**

Councilman moved to approve the waiver of TERO fees for Elbowoods Healthcare Facility, seconded by Councilman Wolf.

Discussion: The TERO fee is about \$50,000.00 or higher. A resolution will be brought back.

VOTE: 5 Ayes 0 Nays 1 Abstention

**C. Miranda Sanderson**

Councilman Benson moved to approve the hire of Miranda Sanderson as assistant to Jim Foote as temporary 90 days at \$15.00 per hour. The motion is seconded by Councilman Packineau.

Discussion: She will be starting September 2, 2008. She is also and LPN. It will come out of the general fund.

VOTE: 5 Ayes 0 Nays Motion carried.

**D. Easement for Road for Elbowoods Healthcare Facility**

Councilman Packineau moved to approve the easement for Elbowoods Healthcare Facility for 4 acres, 150 foot access road

at \$8,000.00 subject to appraisal and Duke Jackson to work on the road. The motion is seconded by Councilman Wolf.

Discussion: This is from Jarrett and Kerry Baker. The Tribe has its own gravel. Cammie Gosnell is to coordinate with Max Dickens to put Duke Jackson to work on the road.

VOTE: 7 Ayes 0 Nays Motion carried.

**E. Credit Card for Minni Tohe Clinic-Stella Berquist**

Councilman Packineau moved to approve the purchase of a credit card for Minni Tohe Clinic Pharmacy at \$50,000.00 from First International Bank. The motion is seconded by Councilwoman Hale.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.

**F. Health Board-Stella Berquist**

Councilman Wolf moved to approve of reinitiating the Health Board to include Diane Johnson, Cammie Gosnell, and Dr. Byron Baker to meet in the evenings and weekends. The motion is seconded by Councilwoman Hale.

Discussion: It is an honor to have Dr. Baker work with us.

VOTE: 7 Ayes 0 Nays Motion carried.

**G. Clinic Renovations update-Stella Berquist**

Work will be on the North side of the Minni Tohe Clinic to be completed October 1<sup>st</sup>, 2008.

**H. CHR Director Daryl Hall Hire**

Councilwoman Brugh moved to approve the hire of Daryl Hall as CHR Director at \$20.00 per hour, full-time permanent, this position has been rated and screened, and this will come out of the 638 contract. The motion is seconded by Councilman Packineau.

Discussion: It was advertised.

VOTE: 7 Ayes 0 Nays Motion carried.

**I. KDU Administrator Gladys Myers**

Councilman Whitecalfe moved to approve the hire of Gladys Myers as KDU Administrator at \$35.00 per hour to come out of

the 638 contract funds. The motion is seconded by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.

**J. Dental 638 Contract Duffy Myers**

Councilman Packineau moved to approve the hire of Duffy Myers as 638 Dentist at \$72.00 per hour with a \$40,000.00 sign on bonus. The motion is seconded by Councilman Benson.

Discussion: If she backs out she is to pay back the \$40,000.00 to be included in the contract.

VOTE: 7 Ayes 0 Nays Motion carried.

**K. Third Party Billing**

Michelle Leach has been assigned to our accounts payable. She is going to take care of the bills from May and back.

**X. Enrollment: John Charging**

He did not present.

**XI. TREASURER'S REPORT: Frank Whitecalfe**

**A. June Berry Wage Issue-Councilman Whitecalfe**

Councilman Wolf moved to approve a reimbursement of \$5,000.00 for a grant that was appropriated to the White Shield community board to pay off an old debt for June Berry Tree works, seconded by Councilwoman Hale.

Discussion: This is to be taken out of the general fund. This is a four year old project that needs to be closed out.

VOTE: 7 Ayes 0 Nays Motion carried.

**B. JTAC Drawdown-Frank Whitecalfe Resolution 08-138-VJB**

Councilman Whitecalfe moved to approve of a resolution entitled, "Directive to the Office of Trust Fund Management to Make Available for Draws by the Three Affiliated Tribes Interest Earnings From the Three Affiliated Tribes Economic Recovery Fund in the Amount of \$1,383,000.000". The motion is seconded by Councilman Packineau.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.



**C. Small Loans: Andrew Reed**

Councilman Whitecalfe moved to approve the Small Loan list for a total of \$836,355.28 based on the availability of funds. The motion is seconded by Councilman Packineau.

Discussion: Emergency loans are to be given first priority over other loans. To drop Kandee Knight from the list. Add Nancy Moran/Donald Painte to the list for \$2,500.00.  
VOTE: 7 Ayes 0 Nays Motion carried.

**D. Independence Loans: Ambrose Hosie**

He did not present.

**E. Ft. Berthold MADD Financial Request**

No one presented.

**F. Wind Circle of Sacred Smoke Match: Marilyn Young Bird**

Councilman Whitecalfe moved to approve a match for Wind Circle of Sacred Smoke for \$2,500.00 from the Four Bears Casino and \$2,500.00 from the Three Affiliated Tribes. The motion is seconded by Councilman Packineau.

Discussion: This is for Native American Culture at Devils Tower in Wyoming on September 6, 2008 for foreign travelers.  
VOTE: 6 Ayes 0 Nays 1 Abstention (Brugh)

**G. Elk Robe as Dignitary Gift**

Councilman Whitecalfe moved to approve the purchase of a painted, beaded Elk Robe from Marilyn Young Bird for \$5,000.00, seconded by Councilman Benson.

Discussion: This will be given to Mr. Bob Moorhead at the Four Bears pow-wow during labor day weekend.  
VOTE: 4 Ayes 3 Nays Motion carried.

**H. Transplant Surgery Moving Financial Request: Alona Phelan**

Councilman Packineau moved for approval for a \$5,000.00 grant to Alona Phelan for medical emergency move. The motion is seconded by Councilman Wolf.

Discussion: This is for her daughter who needs to go on a transplant list and must move to Denver Colorado to get on that list. One year waiting list, if rejected then she will be there longer.

VOTE: 7 Ayes 0 Nays Motion carried.

**I. Medical Emergency Request: Alva Irwin**

Did not present.

**J. Kip/Delta Black Hawk Homeless Financial Request**

Councilwoman Brugh moved to approve of a \$10,000.00 loan for a home, seconded by Councilman Whitecalfe.

Discussion: Their previous home has black mold.

VOTE: 7 Ayes 0 Nays Motion carried.

**XII. COMMITTEE REPORTS:**

**XIII. Executive Committee: Chair-Marcus Wells Jr.**

**A. Four Bears Casino and Lodge Report: Spencer Wilkinson Jr.**

**1. Contracting out the Four Bears Casino Cache'/Snack Bar**

Councilman Wolf move to approve contracting out the Cache'/Snack Bar at the Four Bears Casino based a final review by Three Affiliated Tribes Legal Department Damon Williams. The motion is seconded by Councilwoman Hale.

Discussion: This includes the C- Store restaurant.

VOTE: 6 Ayes 0 Nays Motion carried.

**2. Four Bears Casino Salary Increases**

Councilwoman Brugh moved to approve the Four Bears Casino based wage increase for \$230,378.00. The motion is seconded by Councilwoman Hale.

Discussion: The advisory board supported this increase. The wish is to get to a \$10.00 entry level.

VOTE: 7 Ayes 0 Nays Motion carried.

**3. Four Bears Casino Financial Report**

Councilman Wolf moved to approve of the Four Bears Casino Financial Report as presented. The motion is seconded by Councilwoman Hale.

Discussion: If the revenue stays the same, then  
in nine months; wages maybe raised again.  
VOTE: 7 Ayes 0 Nays Motion carried.

**B. Gaming Commission Report: Mark Fox**

Councilman Packineau moved to approve temporary licenses for  
15 new key/non-key employees, seconded by Councilwoman  
Brugh.

Discussion: Mark also gave an update.  
VOTE: 7 Ayes 0 Nays Motion carried.

**XIV. Health Committee: Chair-Marcus Wells Jr.**

**XV. Judicial/Human Resource Committee: Chair-Mervin  
Packineau**

**A. Headstart Request for Funding**

Was not presented.

**B. Law Enforcement-Commissioners: Frank Felix/Nelson  
Heart**

Not present.

**C. Law enforcement Credit Card Resolution: Frank  
Felix/Nelson Heart**

Not present.

**D. Ft. Berthold Housing Authority Amendments to the Code  
33-2-7 (Two Issues)**

Was not presented.

**E. FY 2009 Community Services Block Grant: Norma  
Staples**

Was not presented.

**F. Child Support Enforcement: Ellen Wilson**

She was moved under FPEO Cammie Gosnell.

**XVI. Natural Resource Committee: Chair-Barry Benson**

**A. Land Exchange with Gilbert Mann Resolution**

Was not presented.

**B. Land Exchange with Harlan Dean Resolution**

Was not presented.

**C. Northern Star Sale**

Not presented.

**XVII. Economic Development/Education Committee: Chair-  
Malcom Wolf**

**A. Establishment of Native Languages Department: Connie  
White Bear**

Not present.

**B. Request for Funding for Tribal Health: Connie White Bear**

Not present.

**C. Education Summit Request for Funding: Connie White  
Bear**

Not present.

**D. Wheeler Contract Proposal: P. Young Bird**

Was not presented.

**XVIII. LEGAL DEPARTMENT: Damon Williams/Jennifer Fyten**

**A. Stephens Energy LLC Oil & Gas Resolution (Assign  
Number)**

Not presented.

**B. Resolution 08-135-VJB: SO-2 LLC Joint Venture  
Agreement**

Councilwoman Brugh moved to approve of a resolution entitled,  
"SO-2 LLC Joint Venture Agreement". The motion is seconded  
by Councilman Whitecalfe.

Discussion: The goal is to recycle the water that  
is being taken out. There may be revenue on both times the  
water is used. The tribe will get a cut out of both sales.

VOTE: 6 Ayes 1 Nays Motion carried.

**C. Resolution 08-136-VJB: Addendum to Hobbs Strauss  
Dean & Walker Dale Little Soldier**

Councilman Packineau moved to approve of a resolution  
entitled, "Authorization and Approval of addendum to Hobbs  
Strauss Dean & Walker LLP Legal Services Contract Mediation  
and Arbitration Dispute with Lake Sakakawea Associates, LLC  
a/k/a Dale Little Soldier. The motion is seconded by  
Councilwoman Brugh.

Discussion: Hopefully he will come up with  
something more reasonable.

VOTE: 6 Ayes 0 Nays 1 Abstention Motion  
carried.

**D. Resolution 08-137-VJB: Legal Challenge to Indian Health Service**

Councilman Packineau moved to approve a resolution entitled, "Authorization and Approval of Addendum to Hobbs Strauss Dean & Walker, LLP Legal Services Contract regarding Legal Challenges to Indian Health Service' Partial Declination of Tribal Funding Proposal for Fort Berthold Service Unit". The motion is seconded by Councilwoman Brugh.

Discussion: Robert McSwain supports the Three Affiliated Tribes. 1.5 million to gain on this.

VOTE: 7 Ayes 0 Nays Motion carried.

**E. El Marie Conklin Wrongful Termination Offer**

Councilman Packineau moved to decline the offer of El Marie Conklin, the motion dies due to lack of second.

Councilman Packineau moved to decline the offer of El Marie Conklin for \$50,000.00 settlement; the motion is seconded by Councilman Wolf.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays 1 Abstention (Brugh)  
Motion carried.

**F. Prosecutor Brent Kerry Hire**

Councilman Packineau moved to approve the hire of Brent Kerry as Prosecutor for the Three Affiliated Tribes, seconded by Councilman Whitecalfe.

Discussion: \$65,000.00 per annum, same fringe and benefits of the former prosecutor. Bill Woods is still going to back him up. He is an enrolled member in Standing Rock. He is an employee of the tribe.

VOTE: 7 Ayes 0 Nays Motion carried.

**G. Spotted Hawk LLC**

Attorney Damon Williams will redo this resolution.

**XIX. UNFINISHED BUSINESS:**

Nothing at this time.

**XX. NEW BUSINESS:**

**A. Satrom Travel: Charlie Fredericks**

Discussion: Councilwoman Brugh asked the two ladies from Satrom Travel if the reserved rooms that she had paid and then denied were paid back to the tribe. This was a trip she took while passing through Denver. The answer was that it was paid back to the tribe.

**B. AAA Travel: Charlie Fredericks**

Councilman Packineau moved to approve a one year trial period with AAA Travel from September 1, 2008 to August 31, 2009 with a credit card limit of \$100,000.00 from First International Bank with access for seven council assistance and one travel personnel, seconded by Councilman Benson.

Discussion: They are to come back with a proposal for Elder Health Care Insurance for 60 years and older. They will also help with travel on weekends. The tribe would like to pool the Frequent Flyer Miles for use in emergencies. AAA Travel says it can be done. There is a discount at hotel check in with AAA Travel membership Card. AAA Travel will only take a credit card for instant payment. The limit will be \$100,000.00 on the credit card for Federal, Tribal, and Council Travel. September 1<sup>st</sup> is the Implement date. Contact person for each segment will be seven council assistance and Betty Young Bird from TAT Travel, there will be eight access codes. Charlie Fredericks is the contact person to carry this through.

VOTE: 7 Ayes 0 Nays Motion carried.

**C. Seth Amos Address TBC**

Gave thanks from Fort Lewis College in Durango Colorado for the twelve students from our reservation. Invites the council to come down and see the college.

**XXI. ADJOURNMENT:**

Councilman Packineau moved to recess the meeting, seconded by Councilman Hale.

Meeting recessed at 9:05 P.M.


**CERTIFICATION**

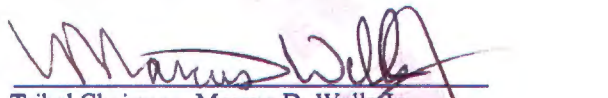
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum \_\_\_\_\_ were present at the Meeting thereof duly called, notice, convened and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008; 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 \_\_\_\_\_, 2008.

**ATTEST:**

  
\_\_\_\_\_  
Tribal Secretary, V. Judy Brugh  
Tribal Business Council,  
Three Affiliated Tribes

  
\_\_\_\_\_  
Tribal Chairman, Marcus D. Wells Jr.  
Tribal Business Council,  
Three Affiliated Tribes