



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING**

**08-43-SE**

**December 22, 2008, 10:00 A.M.**

---

**I. CALL TO ORDER:**

The meeting is called to order at 11:37 A.M.

**II. PRAYER:**

Malcolm Wolf. Honorarium is given.

**III. ROLL CALL:**

Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Arnold Strahs, Chairman Marcus Levings, Councilman Scott Eagle, and Councilman Mervin Packineau are present. A quorum is established. Councilman Eagle is acting Executive Secretary. Councilwoman V. Judy Brugh was conference called into the meeting for the Code of Ethics.

**IV. APPROVAL OF AGENDA:**

CHR Director Daryl Hall Budget Request.-Mervin Packineau VI C3  
Randy Phelan Appeal-Mervin Packineau VII B3  
Financial Requests-TBC VI C4

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

Discussion: Other council add on are reserved.  
VOTE: 6 Ayes 0 Nays Motion carried.

**V. CHAIRMAN'S REPORT: Marcus Levings**

**A. Federal Programs Executive Officer: Max Dickens**

Not present.

**B. Tribal Programs Executive Officer: Laurie Alberts**

**1. Vaaler Insurance**

Roland gave a presentation.

**2. Mahto Bay Access**

This was discussion only with Mercer County.

**3. Saddle Butte Pipeline: Mike Boland**

This was discussion only.

**4. Tribal Utilities/I.H.S.: Chad Snell, Neal Armstrong,  
Richard White Tail**

Councilman Scott Eagle moved to approve a Schedule "A" Marina list station Replacement, seconded by Councilman Strahs.

Discussion: Councilman Eagle would like a letter in place in regards to how the bill will be paid for the treasurer's office so payment issues will not be brought back.

VOTE: 6 Ayes 0 Nays Motion carried.

**C. Programs Analyst: Roger WhiteOwl**

This was not presented.

**D. Elbowoods Healthcare Facility: Jim Foote**

This was not presented.

**VI. TREASURERS REPORT: Frank Whitecalfe**

**A. Financial Report: Whitney Bell, CFO**

This was not presented.

**B. Small Loans/Independence Loans: Andrew Reed/Ambrose Hosie**

This was not presented.

**C. Financial Requests:**

**1. Attend Choir in New York: Carmen Bruce**

This was not presented.

**2. Land Owners Assoc. Financial Request: Linda Driver/Roger BirdBear**

This was not presented.

**VII. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS:**

**A. Executive Committee: Marcus Levings**

**1. Four Bears Casino Report: Spencer Wilkinson Jr.**

This was not presented.

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

**a. Hiring New Employees**

Councilman Packineau moved to approve of 54 employees for the Four Bears Casino; the motion is seconded by Councilman Strahs.

Discussion: These are sent to NIGC next.

VOTE: 5 Ayes 0 Nays Motion carried.

**b. Gaming Commission Financial Summary and Budget Approval/Surveillance Staff Supervision**

Councilman Strahs moved to approve a budget in the amount of \$530,580.00 for FY 2009 and to include the supervision of the Four Bears Casino Surveillance Staff to be under Mark Fox the Gaming Commission Executive Director, seconded by Councilman Eagle.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

**c. Class III Regulatory Fees 2009**

Councilman Packineau moved to approve of regulatory fees in the amounts of \$250.00 for Vendor (<10k), \$500.00 for Vendor (10-25k), \$1,250.00 for Vendor (25-50k), \$2,500.00 for Vendor (>50k) for FY 2009, seconded by Councilman Eagle.

Discussion: The question is if this is enough?  
According to the ordinance fees can only be increased at the beginning of the year. This is only for the gaming vendors.

VOTE: 5 Ayes 0 Nays Motion carried.

**d. Class II Regulatory Fees**

Councilman Strahs moved to approve of Class II Regulatory Gaming fees in the amounts of \$20.00 for Sports Pool\*, \$50.00 for Poker Tournaments\*, \$50.00 Establishment (site) Fee, \$20.00 Single Raffle Fee, \$50.00 for Year Long Raffle Fee, \$100.00 for Gaming License (Class II) for 2009, seconded by Councilman Packineau.

Discussion: To amend the motion to include increase of administrative fees from 15% to 20%. The 20% will be of total net revenue. \*(10% of net gaming revenue must be donated to Class II allowable purposes.)

VOTE: 5 Ayes 0 Nays Motion carried.

**e. Storage Space**

Councilman Eagle moved to approve of finding a storage space for the Four Bears Casino records, seconded by Councilman Packineau.

Discussion: Not less than 15x12 foot space.  
Conics boxes will be the best storage.

VOTE: 5 Ayes 0 Nays Motion carried.

**3. Enrollment: John Charging/Nathanial Mayer**

**a. Enrollment Membership Polly Monogram and Children: Evangeline Monogram**

Councilman Benson moved to correct the official documentation on the tribal affiliation on Ollie Horn (full blood Arikara) the mother of Polly Monogram. This will change the enrollment of Polly's Children. The motion is seconded by Councilman Strahs.

Discussion: Enrollment office has to go by the book dated back to 1936.

VOTE: 5 Ayes 0 Nays Motion carried.

**B. Judicial/Human Resource: Mervin Packineau**

**1. Resolution: Dog Amendment Verlee Whitecalfe-Saylor**

This was not presented.

**2. Child Support-Inkind-Position: Ellen Wilson**

This was not presented.

**C. Natural Resource Committee: Barry L. Benson**

**1. MHA Triad Project Agreement: Horace Pipe**

This was not presented.

**2. Water Rights: Kate Vandemierer**

This was not presented.

**3. Mahto Bay Access/Cabin Site: Monte Erhardt**

This was handled earlier in the meeting.

**4. Oil and Gas Report: Fred Fox**

**5. Fort Berthold Rural Water: Marvin Danks**

Councilman Eagle moved to approve H.A. Thompson and Sons to replace the Heaters in each water plant for \$9,868.00 each, seconded by Councilman Packineau.

Discussion: The motion is to include replacing pickup trucks. The Tacoma is too small; a worker had to walk in 40-50 degree below zero weather.

VOTE: 5 Ayes 0 Nays Motion carried.

**7. Sewer/Cistern Applicants**

Councilman Benson moved to approve Sewer/Cistern for Ted Bolman, a Cistern for Mervin Packineau, and a Sewer for Delvin Driver Sr. The motion is seconded by Councilman Eagle.

Discussion: The Chairman commends the FBRW Department workers.

VOTE: 5 Ayes 0 Nays Motion carried.

**D. Economic Development/Education: Scott Eagle**

**1. Resolution 08-200-SE: Marathon Lease**

Councilman Eagle moved to approve of a resolution entitled, "Rescission of Resolution No. 07-122-VJB and Approval of Oil and Gas Leases with Marathon Oil Company for 160 acres for Oil and Gas Development of the Fort Berthold Reservation pursuant to 25 CFR 211 and Request to the Superintendent to Negotiate a lease Pursuant to 25 CFR 211.20 (a) and (d)." The motion is seconded by Strahs.

Discussion: Approval is for 160 Acres @ \$150.00 bonus per acre, 20% Royalty, and \$2.50 rental for 1 year term to Marathon Oil.

VOTE: 5 Ayes 0 Nays Motion carried.

**2. Resolution 08-201-SE: G-4 Lease**

Councilman Packineau moved to approve of a resolution entitled, "Rescission of Resolution No. 07-122-VJB and Approval of Oil and Gas Leases with G-4 LLC/Oil Partners for 592.20 acres for oil and Gas Development of the Fort Berthold Reservation pursuant to 25 CFR 211 and Request to the Superintendent to negotiate a Lease Pursuant to 25 CFR 211.20 (a) and (d)." The motion is second by Councilman Strahs.

Discussion: This may take care of the skate park in NewTown.

VOTE: 5 Ayes 0 Nays Motion carried.

**3. Resolution 08-202-SE: Petro Hunt Lease**

Councilman Packineau moved to approve of a resolution entitled, "Approval to lease 40.00 Acres of Tribal Trust Lands to Petro-Hunt LLC/Oil Partners, for Oil and Gas Development on the Fort Berthold Reservation pursuant to 25 CFR 211 and Request to the Superintendent to Negotiate a Lease Pursuant to 25 CFR 211.20 (a) and (d)." The motion is second by Councilman Strahs.

Discussion: No discussion.  
VOTE: 5 Ayes 0 Nays Motion carried.

**4. Resolution 08-203-SE: Quest Star Lease**

Councilman Strahs moved to approve of a resolution entitled, "Approval to Lease 160.00 Acres, Wherein the Tribe Owns an Undivided Interest of Allotted Trust Lands to Questar Exploration and Production Company, for Oil and Gas Development on the Fort Berthold Reservation Pursuant to 25 CFR 211 and Request to the Superintendent to Negotiate a Lease Pursuant to 25 CFR 211.20 (a) and (d)." The motion is second by Councilman Eagle.

Discussion: We should have our resolution of approval just for our files. If you have a resolution can always fall back on it.  
VOTE:

**a. Resolution 08-204-SE: Petro Hunt Lease**

Councilman Benson moved for approval of a resolution entitled, "Approval to Lease 240.00 Acres, Wherein the Tribe Owns and Undivided Interest, of Allotted Trust Lands to Petro-Hunt LLC, for Oil and Gas Development on the Fort Berthold Reservation Pursuant to 25 CFR 211.20 (a) and (d)." The motion is second by Councilman Strahs.

Discussion: We have ½ interest, 15% Royalty, \$450.00 per acre bonus, and \$2.50 per acre rental.  
VOTE: 5 Ayes 0 Nays Motion carried.

**5. Saddle Butte Pipeline: Mike Boland**

This was handled earlier in the meeting.

**6. Triad Project Agreement: Horace Pipe**

This was not presented.

**7. 2009 THPO Budget: Perry (No Tears) Brady**

Councilman Benson moved to approve \$206,484.62 for 2009 budget to include two consultants, the tribe to match federal funds in the amount of \$100,000.00. The motion is seconded by Councilman Packineau.

Discussion: It comes back to the Treasurer if the tribe has the money for the 50/50 match. There will be a budget meeting on December 29, 2008. Oil prices are down

and oil and gas projections aren't what they should be. Two consultant agreements were given to the executive secretary office and were signed by Chairman Levings for Judith RC Brady and Jeanette Coffey to do grant writing and accounting.

VOTE: 6 Ayes 0 Nays Motion carried.

**E. Health Committee: Chairman Levings**

**1. Proposal for Drug Testing and Alcohol-Symbiotic Lab: Sherry King RN BSN**

This was not presented.

**2. Elders Program nutrition: Martina McKinney**

This was not presented.

**VIII. LEGAL:**

**A. Resolution 08-205-SE: Mini Grant Colorectal Cancer Screening: Jared Eagle**

Councilman Eagle moved to approve of a resolution entitled, "Northern Plains Cancer Screening Project." The motion is seconded by Councilman Packineau.

Discussion: This is for \$2,500.00 and is reoccurring. It can be folded over into a different types of cancer.

VOTE: 5 Ayes 0 Nays Motion carried.

**B. Business Licenses**

**1. Standish Premier Cleaning: Jay Standish**

**2. Broken Yoke Hot Shot: Danny Hall**

**3. MARSHALL BANK, N.A.: Steve Erickson**

Business Licenses were not presented.

**C. Code of Ethics (closed session)**

**3. Resolution 08-199-SE: Ethics Committee**

Councilman Packineau moved to approve a resolution entitled, "Appointment of Three Affiliated Tribes Ethics and Rules Committee." The motion is second by Councilman Strahs.

Discussion: David Gordon, Thomas Dixon, Tracy Fischer, and Alternate John Mahoney.

VOTE: 7 Ayes 0 Nays Motion carried.

**D. Intertribal Court of Appeals: Randy Phelan**

Councilman Packineau moved to approve the request to have a special Election between Randy Phelan and Arnold Strahs; motion dies due to lack of a second.

**IX. NEW BUSINESS:**

**X. OLD BUSINESS:**

**XI. RECESS MEETING:**

Meeting recessed at 7:38 P.M.

**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
CONTINUANCE REGULAR MEETING  
08-43-SE  
December 23, 2008, 10:00 A.M.**

---

**XII. CALLED TO ORDER:**

Meeting called to order at 10:52 A.M.

**XIII. PRAYER:**

Rebecca Brady.

**XIV. ROLL CALL:**

Councilman Benson, Councilman Strahs, Councilman Whitecalfe, Chairman Levings, Councilman Eagle, and Councilman Packineau are present. A quorum is established. Councilwoman Brugh will conference call later into the meeting.

**XV. Personnell: Barlow Wells (Closed Session)**

**XVI. Resolution 08-206-SE: Executive Officer Appointment to Conduct Business with OST**

Councilman Eagle moved to approve a resolution entitled, "Appointment of Executive Officers Authorized to Initiate Disbursement – Election and Term Information to Conduct Business with the Office of Trust Funds Management." The motion is second by Councilman Strahs.

Discussion:  
be changed.

The name of Chairman will have to

VOTE:

5 Ayes 0 Nays Motion carried.

**XVII. Healthcare Issue Contracts Madonna Azure & Marilyn Young Bird: Councilman Whitecalfe**

Councilman Eagle moved to approve two consultant contracts for Madonna Azure and Marilyn Young Bird to do research on



Healthcare Issues with a budget of \$6,730.00, seconded by Councilman Packineau.

Discussion: Senator Dorgan's defense of Indian Health care is discussed. Short fall in funds because of previous bills is discussed. These cannot come out of contract money. This issue was previously addressed in another TBC mtg. Stella Berquist is to get a dollar amount for the Tribal Business Council and present it in the December 29, 2008 meeting. Marilyn and Madonna are to accompany the Tribal Business Council when they go to Washington D.C. if they have there numbers ready.

VOTE: 5 Ayes 0 Nays Motion carried.

**XVIII. Exception to Severance Pay Policy: (Closed Session)**

**XIX. KDU Budget: Daryl Hall Director**

KDU budget will be discussed in the December 29, 2009 Special Tribal Business Council Financial meeting.

**XX. Incentive Pay for Finance/Property/Contract Employees**

Councilman Packineau moved for approval for incentives for seven Finance, four Property, and four Contracts employees in the amounts of \$5,500.00 + \$16,000.00 = \$21,500.00. The motion is seconded by Councilman Strahs.

Discussion: Contracts has picked up extra slack.

VOTE: 5 Ayes 0 Nays Motion carried.

**XXI. Small Loans: Andrew Reed Director**

Councilman Packineau moved to approve the twenty-seven Small loans in the amount of \$118,161.00. The motion is second by Councilman Eagle.

Discussion: A financial transfer will need to be done. Francene Azure \$4,000.00, Melvin Hale \$2,200.00, Katherine Young Bear \$8,000.00, Elton Spotted Horse \$ 2,500.00, Melissa Veach \$2,000.00, Joseph Gulikson \$3,500.00, Nathan Good Iron \$6,000.00, Kenneth J. Church Sr. \$6,000.00, John Birdsbill Jr. \$4,000.00, Alisa Two Crow \$3,000.00, Demetrius Mandan \$20,000.00, James Yellow Wolf \$1,500.00, Tillie Little Soldier \$1,850.00, Clement B. Wells \$2,500.00, Roberta Bear \$3,500.00, Sandra Eagle \$2,000.00, Hubert Heart \$3,000.00, Nakoa R. Baker \$3,000.00, Dunreath J. Plante \$2,000.00,

Lacey Foote \$2,000.00, Phillip C. St. John \$2,500.00, Lisa White Bear \$3,011.54, Rick Hall/Bernadette White Bear \$20,000.00, Jolene Lockwood \$500.00, Whistling Bird Lockwood \$500.00, Elmer Fredericks \$5,000.00, Antoine Brugh \$1,000.00. Priority is to Education loans. The federal Programs Executive Office and Tribal Programs Executive Officer to assist Small Loans Department in addressing the Superintendent of B.I.A. in putting a hold on IIM disbursements.

VOTE: 5 Ayes 0 Nays Motion carried.

**XXII. Deduction Check to Small Loans**

Councilman Packineau moved to approve of Small Loans Department to receive the deduction check from finance department for pay period #26. The motion is seconded by Councilman Strahs.

Discussion: This is so Small Loans Department will not owe anything in the New Year.

VOTE: 5 Ayes 0 Nays Motion carried.

**XXIII. Enrollment Issue**

Discussion only.

**XXIV. Five Walking Shield Unit Payments**

Discussion only.

(There is a 10 minute recess at 2:46 P.M.)

**XXV. ADJOURNMENT:**

Councilman Packineau moved to adjourn the meeting, seconded by Councilman Strahs.

Meeting adjourned at 3:15 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 \_\_\_\_\_, 2009; 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

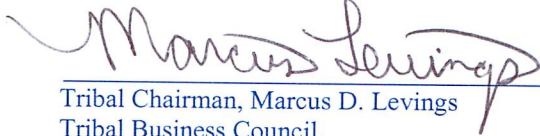
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**



---

Tribal Secretary, Judy Brugh  
Tribal Business Council,  
Three Affiliated Tribes



---

Tribal Chairman, Marcus D. Levings  
Tribal Business Council,  
Three Affiliated Tribes