



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
SPECIAL MEETING  
09-13-ADS  
March 17, 2009, 1:00 P.M.**

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**I. CALL TO ORDER:**

The meeting was called to order at 3:29 P.M.

**II. PRAYER:**

Barry Benson.

**III. ROLL CALL:**

Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Arnold Strahs (Acting Secretary), Councilman Scott Eagle, Councilman Mervin Packineau, and Chairman Marcus Levings are present. A quorum is established. Chairman Levings left the meeting at 7:00 P.M. and returned at 9:30 P.M.

**IV. APPROVAL OF AGENDA:**

Councilman Benson add on: Osh Gosh Sowblower  
Joan Bird Art Work

Councilman Strahs add on: Little Warriors Financial Request  
Elgin Dye Financial Request

Councilman Whitecalfe add on: Howard Wilkinson Jr. Financial Request

Councilman Packineau add on: Arrow Winds LLC  
Ramona Woods

Councilman Eagle add on: Malcolm Wolf Request

Councilman Packineau moved to approve of the amended agenda, second by Councilman Eagle.

Discussion: Chairman Levings reserves his add ons.

VOTE: 6 Ayes Nays Motion carried.

**V. Tax Commissioner: Marcus Wells Sr.**

Councilman Whitecalfe moved to approve a RFP on Fiscal Year 2008 Audit for the Three Affiliated Tribes and the Enterprises, second by Councilman Eagle.

Discussion: This is for 30 days. Treasurer, CFO, and the Programs Analyst to meet.

VOTE: 6 Ayes 0 Nays Motion carried.

**VI. A. Independence Loans: Ambrose Hosie**  
Deferred.

**B. Educational Request for Letitia Wolf: Malcolm Wolf**

Councilman Eagle moved to approve a grant in the amount of \$1,500.00 for Letitia Wolf for a Pageant Miss-Indian World in Albuquerque, New Mexico, second by Councilman Whitecalfe.

Discussion: She is already a model.

VOTE: 6 ayes 0 Nays Motion carried.

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

**A. Gaming Commission Quorum Change**

Councilman Packineau moved to approve the Gaming Commission quorum to be changed to four members, a resolution to be developed to the full regulations and compacts of the Gaming Commission of the Three Affiliated Tribes. The motion is second by Councilman Strahs.

Discussion: Mark Fox and Damon Williams to get together on this.

VOTE: 6 Ayes 0 Nays Motion carried.

**B. New Employees Temporary License**

Councilman Whitecalfe moved to approve the 38 temporary licenses, second by Councilman Strahs.

Discussion: Every thing is attached to show what has been completed for their background investigation.

VOTE: 6 Ayes 0 Nays Motion carried.

**C. National Indian Gaming Association April 13-14, 2009  
Phoenix, Arizona**

Informational.

**D. Employee Retirement Transition to First National Bank,  
Williston, ND**

Informational.

**E. Staff Restructure and Lay-Off**

Councilman Whitecalfe moved to approve the February 2009 lay-off vs. the resignation of Internal Auditor Lyda Foote, second by Councilman Strahs.

Discussion: She began in December 2002. She was the internal auditor for over 6 years.

VOTE: 5 Ayes 0 Nays Motion carried.

**F. Report**

Mark gave a report.

**G. General Lotto Fee**

Councilman Whitecalfe moved to approve Mark Fox, Gaming Commission to work with Damon Williams, TAT Legal Department on the General Lotto fee, second by Councilman Eagle.

Discussion: This lotto is the right place to start.

VOTE: 5 Ayes 0 Nays Motion carried.

**H. LSA Arbitration**

Update.

**I. NIGC and Mixed Advisory Committee Update**

Update.

**J. Surveillance Equipment NVR/DVR**

Discussion only.

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

Not present.

**IX. Personnel Issue: Debbie Staples**

Not presented.

**X. Resolution Max James Land Exchange: Annette Young Bird**

Discussion: Take back to Natural Resource Committee to look at the amounts again.

**XI. Lot/Land Exchange: Mervin Packineau**

Councilman Strahs moved to approve the Joe Gillis lot and Wayne Packineau lot purchases, based on a code (ordinance) regarding tribal land. The motion is second by Councilman Whitecalfe.

Discussion: A 1986 constitutional amendment pertaining to tribal land, can be utilized for this acquisition. The last time the ordinance was utilized was in 2006 for the purchase of Northern lights (Fee land) that was written by TAT

Legal Department, Jennifer Fyten. A copy is needed for the secretary's file and one to each council member.

VOTE: 5 Ayes 0 Nays 1 Abstention (MP) Motion carried.

**XII. Resolution 09-034-ADS Nueta: Clarence O'Berry**

Councilman Whitecalfe moved to approve to develop a resolution and consideration for the Twin Buttes Representative, Mandaree Enterprises to take over Nueta Nations and to take over the liability of loans, just the 8A, second by Councilman Benson.

Discussion: Clarence is not taking the building. Treasurer would like to see a bit of a term. Another resolution will follow this one. All that is being resolved is the transfer.

VOTE: 5 Ayes 0 Nays Motion carried.

**XIII. Small Loans: Andrew Reed**

Councilman Packineau moved to approve medical \$48,000.00, education \$12,699.30, and personal loans \$87,900.00. The grand total for all loans is \$144,599.30. The motion is second by Councilman Whitecalfe.

Discussion: The accounts guaranteed by IIM accounts are Marvin Bell, Merna White Tail, Bryce Nagel, and Kermit Bears Tail. Camie Gosnell is added onto the Personal Loans for \$34,000.00 and the tribe will be the lien holder on the vehicle title and to show coverage of insurance. Andrews is to attend the next budget meeting on Wednesday, March 18, 2009. A List is attached.

VOTE: 6 Ayes 0 Nays Motion carried.

**A. Small Loans Credit Union Branch**

Councilman Packineau moved to approve Small Loans to pursue becoming a Credit Union branch, second by Councilman Strahs.

Discussion: It is the big loans that need to go through a bigger system. Small Loans will still stay small loans.

VOTE: 6 Ayes 0 Nays Motion carried.

**XIV. Ft. Berthold Rural Water: Marvin Danks/Text Lone Bear/Cammie Gosnell**

**A. Public Works Dept/Ft. Berthold Rural Water**

Councilman Whitecalfe moved to approve of Ted Danks in the position of Transportation Planner for Fort Berthold Rural Water, second by Councilman Strahs.

Discussion: Ted Danks advises council that a letter should be sent from the Chairman to BIA Roads that TAT hasn't updated their current (ADT) average daily traffic so that in 2010 the funding will be more adequate.

VOTE: 6 Ayes 0 Nays Motion carried.

**1. Melanie Kruegar Transfer**

Councilman Whitecalfe moved to approve to transfer from right of way technician to right of way supervisor, salary from \$13.00 to \$15.50 per hour. The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 Aye 0 Nays Motion carried.

**B. Gerry Nagel Land Sale: Marvin Danks**

An appraisal will be obtained.

**C. Project Listings**

Discussion only.

**XV. Game and Fish Proclamation: Fred Poitra/Damon Williams**

Councilman Eagle moved to approve of a 2009 Game and Fish Proclamation, proclaiming the 2009 Tribal member fishing fees, 2009 Spring Wild Turkey season, 2009 Wild Turkey application scheduling fees, Tribal members fishing and boating fees increase, and Tribal members Turkey fees increase. The motion is second by Councilman Strahs.

Discussion: This was probably forth coming.

VOTE: 5 Ayes 0 Nays Motion carried.

**XVI. Resolution Boys and Girls Club: Jarrett Baker/Deanne Parisian**

This was taken care of in yesterday's meeting.

**XVII. Legal Department: Damon Williams**

**A. Resolution 09-036-ADS: Dr. Meister**

Councilman Strahs moved to approve of a resolution entitled, "Authorization and Approval of Consultant Contract with Analysis Group." The motion is second by Councilman Eagle.

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

**B. Resolution: Catherine Vandermiere**

This was not presented.

**C. Resolution 09-035-ADS: Lori Pemberton**

Councilman Whitecalfe moved to approve of a resolution entitled, "Authorization and Approval of Consultant Contract with Lori Pemberton for Tribal Housing Division for 2009." The motion is second by Councilman Benson.

Discussion: This was approved in a previous meeting but needed a resolution number only.  
VOTE: 5 Ayes 0 Nays Motion carried.

**D. Business Licenses**

Councilman Strahs moved to approve the business licenses for J & J Quilt Shop, The Lunch Box, and Reynolds Transportation. The motion is second by Councilman Eagle.

Discussion: No discussion.  
VOTE: 6 Ayes 0 Nays Motion carried.

**E. Resolution: LSA**

This was not presented.

**F. Resolution 09-038-ADS: Travel Cards for FBRW**

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of Tribal Travel Cards to Contract Employees." The motion is second by Councilman Benson.

Discussion: One card issued that can be authorized for Camie Gosnell to use it. It will be classified as FBRW-Marvin Danks. This is one card for both of them.  
VOTE: 5 Ayes 0 Nays Motion carried.

**G. Clarification on Saddle Butte Pipeline**

TAT legal department receives clarification on Saddle Butte Pipeline.

**XVIII. Other:**

**A. Satrom Travel**

They are to come back to the next Tribal Business Council meeting.

**B. Osh Kosh Snow Blower: Barry Benson**

Councilman Whitecalfe moved for approval for a directive to Curt Wells of the Roads department to contact Councilman Barry Benson in regards to purchasing a Snow blower out of Osh Kosh, Wisconsin, Subject to the money left over from federal funds. The motion is second by Councilman Benson.

Discussion: Max Dickens to contact Curt Wells. Due diligence.

VOTE: 5 Ayes 0 Nays Motion carried.

**C. Elgin Dye Financial Request**

Councilman Whitecalfe moved for approval for a small loan for Elgin Dye in the amount of \$2,300.00. for vehicle repairs subject to Small Loans policy and procedures, second by Councilman Eagle.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

**D. Little Warriors: Councilman Strahs**

Councilman Whitecalfe moved to approve a grant in the amount of \$900.00 to be matched by the Four Bears Casino for a total of \$1,800.00 for a Cultural Teachings class trip to South Dakota with Little Warriors Coordinator Georgia Fox, second by Councilman Benson.

Discussion: No discussion.

VOTE: 5 ayes 0 nays Motion carried.

**E. Financial Request Marty Danks**

Motion on the floor to approve of a Tribal waiver of motor fuels tax for Marty Danks in the amount of \$394.00 for a tax refund. The motion dies.

**1. Marty Danks Motor Fuels Tax Request**

Councilman Packineau moved to approve of a motor fuels Tax refund in the amount of \$394.00. The motion is second by Councilman Benson.

Discussion: During the Public Hearing, Chairman Levings advised them that there will be one or two per year.

VOTE: 5 Ayes 0 Nays Motion carried.

**F. Howard Wilkinson Jr Education Request**

Councilman Whitecalfe moved to approve an educational loan in the amount of \$21,000.00 to meet his unmet needs, seconded by Councilman Eagle.

Discussion: This is for the Cordon Bleu Cooking School in Los Vegas for one year; he is to start on April 6, 2009. The amount he receives is depends on whatever his needs are that are not met by other financial institutions. The amount that he receives is subject to working it off through the tribe.

VOTE: 5 Ayes 0 nays Motion carried.

**G. Joan Bird Art Work**

No motion.

**H. Arrow Winds LLC/ Wind Energy: Pat Packineau/John Hegre**

Councilman Whitecalfe moved to approve to go forward with the Arrow Winds proposal by Pat Packineau and John Hegre to be looked at by the legal Department and to bring back to the Tribal Business Council for approval. The motion is second by Councilman Strahs.

Discussion: Councilman Eagle to meet with Terry Frederick's. Councilman Packineau has nothing to do with this, this is the first time he has heard about this. There is money in the stimulus package for wind energy. The White Shield study works with the Parshall area because of the angle/direction of the wind. This is not binding, just for legal to look at it.

VOTE: 4 Ayes 0 Nays 1 Abstention (MP) Motion carried.

**I. Ramona Woods (Closed Session)**

**J. Hay/Deer: Elmet Bruer/Tom**

Informational. This was addressed in the Natural Resource meeting.

**K. Resolution 09-037-ADS: Protocol for Efficient Oil and Gas Development: Wilbur Wilkinson**



Councilman Whitecalfe moved to approve of a resolution entitled, "A Resolution to Establish the Protocol for the Tribe and the Bureau of Indian Affairs for the Efficient Overall Oil and Gas Development of Tribal and Allottee Surface and mineral Owners Resources on the Fort Berthold Indian Reservation." The motion is second by Councilman Eagle.

Discussion: The first, **now therefore be it resolved-Part A.** Submit a Development plan. Legal advises to probably adopt this as a code. What is the purpose of this? To have the oil companies do the development plans. Because of the Tribal councils effort to detect it. Councilman Eagle discussed Allottee payments.

VOTE: 5 Ayes 0 Nays Motion carried.

#### **L. Georgia Fox Loan Request**

Councilman Packineau moved to approve of a Small Loan in the amount of \$4,800.00 for a vehicle for Georgia Fox. The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

#### **XIX. Orville Fox/Marion Spotted Bear Home Purchases**

Councilman Strahs moved to go ahead with the purchases of the Orville Fox and Marion Spotted Bear homes at appraisal rates. The motion is second by Councilman Packineau.

Discussion: The use of these two homes is discusses.

VOTE: 5 Ayes 0 Nays Motion carried.

##### **1. Ed Hall Land Exchange/ Edwin and Jean Hall Home purchase**

Councilman Packineau moved to approve a land exchange for Ed Hall in Twin Buttes/Parshall by old number eight highway and a home/land purchase from Edwin and Jean Hall in Four Bears subject to appraisal. The motion is second by Councilman Eagle.

Discussion: Ed Hall would like to exchange land to get some of the family land back.

VOTE: 5 Ayes 0 Nays Motion carried.

#### **XX. ADJOURNMENT:**

March 17, 2009

Carmen Halvorson

Councilman Benson moved to adjourn the meeting, second by Councilman Packineau.

The meeting adjourned at 10:40 P.M.

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### CERTIFICATION

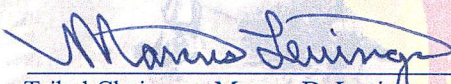
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum 5 were present at the Meeting thereof duly called, notice, convened and held on the 9 day of April, 2009; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman ( ) Voting (x) Not Voting

Dated this 9 day of April, 2009.

ATTEST:

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Acting Tribal Secretary, Arnold D. Strahs  
Tribal Business Council,  
Three Affiliated Tribes

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