



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
09-16-VJB
APRIL 9, 2009, 10:00 A.M.**

I. CALL TO ORDER:

The meeting was called to order at 11:13 A.M.

II. PRAYER:

Darlene Perkins.

III. ROLL CALL:

Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Mervin Packineau, Councilman Scott Eagle, and Councilwoman V. Judy Brugh are present. A quorum is established. Chairman Levings arrived later.

IV. APPROVAL OF AGENDA:

Dinner Break 12:00 to 1:00 P.M. Sponsored by First International Bank of Williston

Councilman Benson-Twin buttes trading post business license IX. E.

Councilman Whitecalfe-Casual Cats Basketball Tournament VII. C. 8.

Councilman Whitecalfe-Financial Consultant Agreement IX. F.

Councilman Eagle-Tourism Karen Pates-Resolution VIII. B. 8.

Councilman Eagle-Purchase of Snow Removal Truck Frank Silletti VIII. E. 5a

Councilman Packineau- Remove Parshall Headstart but in Arrow Winds Proposal VIII. B. 3.

Councilman Packineau-Financial Request Brady Womens Basketball team VII. C. 9.

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

Discussion: Councilwoman Brugh, Chairman Levings and Councilman Strahs add-ons are reserved. Jarrett Baker has asked to be removed from the agenda for Suicide Prevention Resolution.

VOTE: 5 ayes 0 Nays Motion carried.

V. APPROVAL OF MINUTES:

Councilman Whitecalfe moved to approve of the February 2, 2009, February 11, 2009, February 12, 2009, March 2, 2009,

March 16, 2009, March 17, 2009, March 18, 2009, April 6, 2009
subject to corrections and review by other council members not
present. The motion is second by Councilwoman Brugh.

Discussion: How is it handled when someone that is
approved in a TBC meeting to go on a trip, doesn't go? Whitney
Bell is to be notified.

VOTE: 5 Ayes 0 Nays Motion carried.

A. Resolution Number Correction

Deferred.

VI. CHAIRMANS REPORT: Marcus Levings

**A. Twin Buttes Casino: Michael Roy, Hobbs, Straus, Dean,
& Walker**

This was not presented.

B. Federal Programs Executive Officer: Max Dickens

This was not presented.

C. Tribal Programs Executive Officer: Camie Gosnell

1. Resolution 09-041-VJB: USDA Loan Grant-Marvin Danks

Councilman Eagle moved to approve of a resolution entitled,
"Approval of Applications for a Loan and a Grant from the USDA
Rural Development in the Amount of \$4,56,900.00 for the North
Segment (New Town) Area 1 and 3 Water Distribution Project for
the For Berthold Rural Water System." The motion is second by
Councilman Whitecalfe.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

2. Stimulus Package Employee Recognition

Councilman Eagle moved for a blanket approval for all those
employees that are in need of recognition that worked hard
removing snow during the snow storms. Incentives are in the
amount of \$500.00 each. The motion is second by Councilman
Packineau.

Discussion: This is to include Utilities, Rural Water,
FBHA, Casino workers, and any other people that worked hard
clearing the roads during the snow storms. It is not intended to
leave anyone out.

VOTE: 5 Ayes 0 Nays Motion carried.

D. Programs Analyst: Izetta Hopkins

This was not presented.

E. Elbowoods Health Facility: James Foote

This was not presented.

VII. TREASURERS REPORT: Frank Whitecalfe

A. Small Loans: Andrew Reed

Councilman Benson moved to approve of medical, educational loans and to keep the ceiling of \$3,500.00 on personal loans. This is subject to the policy and procedures of the Small Loans Department, second by Councilman Packineau.

Discussion: The superintendant was here. There is a check list that he signs off on. The proper document is being submitted to the BIA/OST for the IIM accounts. There is an amendment to the motion to approve not only the medical and education but also Personal loans with a ceiling of \$3,500.00. No funds will be injected into Small Loans, it will be revolving. Andrew will turn the repossessed RV over to property for licensing and insurance, to use it as a community response vehicle in times of need for the workers. A report will be given on Wednesday, April 29, 2009 during the Budget meeting.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Independence Loans: Ambrose Hosie

A report will be given on Wednesday, April 29, 2009 during the Budget meeting.

Parshall High School teacher, Bobbie Larsen brought two students, Colter Werlinger and Desi Wells to observe the process of a Tribal Business Council meeting.

C. Financial Requests

1. August Little Soldier Medical Request

Councilman Eagle moved to approve of Stella Burquist to seek funding in the amount of \$8,284.00 for August Little Soldier through Blue Cross Blue Shield and to seek other funding until all other funding sources are exhausted then if not to bring back to Tribal Business Council. The motion is second by Councilwoman Brugh.

Discussion: There are other options that need to be looked into for our elders. This is something that our respective elders organizations in our communities could be working on.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Workshop in London: Pansy Goodall

Deferred.

3. Young Bear Round Dance Financial Request: James Phelan

Councilman Whitecalfe moved to approve \$8,000.00 for the Young Bear Round Dance Financial request. The motion is amended to \$2,500.00 from the Three Affiliated Tribes and \$2,500.00 from the Four Bears Casino for a total of \$5,000.00, second by Councilman Eagle.

Discussion: There is a set amount for celebrations.

VOTE: 6 Ayes 0 Nays Motion carried.

4. 2009 Four Bears Celebration Request/Blanket for All Celebrations

Councilman Whitecalfe moved for approval of a blanket financial support in the amount that is set aside in the budget for each celebration in the six segments not to exceed 32,000.00 each. The motion is second by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

5. 2009 Arikara Celebration Request

Councilman Whitecalfe moved to approve the request for \$4,000.00 to the Arikara Celebration Committee for the loss of fund raising due to closure of segment building for renovations. The motion is second by Councilman Packineau.

Discussion: **The motion is withdrawn and the second is withdrawn.**

6. MADD Financial Request: Verlee Whitecalfe Saylor

Councilman Packineau moved to approve funding in the amount of \$7,500 for Ft. Berthold MADD Chapter for their kick off, second by Councilman Whitecalfe.

Discussion: This averages out to be a little over \$1,000.00 per segment.

VOTE: 5 Ayes 0 Nays Motion carried.

7. Request for Travel Assistance: RJ Smith

Referred back to the Treasurers office.

8. Casual Kats Request:

Councilman Whitecalfe moved to approve of a \$1220.00 for 10 boys to go to a basketball tournament in Montana. This will be \$120.00 apiece. The motion is second by Councilman Benson.

Discussion: This is for both weekends.

VOTE: 5 Ayes 0 Nays Motion carried.

9. Coach Brady's Women's Basketball Tournament

Councilman Eagle moved for Coach Brady's Women's basketball team for \$3,000.00, second by Councilman Brugh.

Discussion: The tribal council would like to put fundraising for a match in place. The motion is amended to 2/3 of the request in the amount of \$2,000.00 approved by the maker and the second.

VOTE: 5 Ayes 0 Nays Motion carried.

VIII. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS:

A. Executive Committee: Marcus Levings

1. Four Bears Casino Report: Spencer Wilkinson Jr.

a. Four Bears Casino Financial Report

Councilman Packineau moved to approve the general manager and CEO financial report for April 9, 2009 that was presented. The motion is second by Councilman Eagle.

Discussion: Improvements to the lodge is discussed. For the record, TAT received a distribution of \$300,000.00. The smoke free slots will be opening in the Four Bears C-store.

VOTE: 5 Ayes 0 Nays Motion carried.

2. Gaming Commission Report: Mark Fox

a. Key and Non Key Licenses- Temporary Application

Councilman Eagle moved to approve of the 27 Key and Non-Key Temporary license applications, second by Councilwoman Brugh.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

b. Gaming Commission (Closed Session)

3. Enrollment: John Charging/Nathanial Mayer

a. Resolution 240 Applicants/Rescind Resolution 09-020-VJB:

Councilman Brugh moved to approve to rescind resolution number 09-20-VJB and approve of a new resolution entitled, "240 Eligible Enrollment Applicants." The motion is second by Councilman Eagle.

Discussion: A change to the last paragraph regarding the moratorium. To follow the constitution is what council wants to do. Councilman Eagle questions if there are other applicants that met the criteria and the cut-off date of November 24, 2008. **Councilman Eagle withdraws his second.**

b. Resolution 09-044-VJB: 237 Applicants

Councilman Packineau moved to approve a resolution entitled, "237 Eligible Applicants." The motion is second by Councilman Eagle.

Discussion: Where are the numbers at for enrollment?
John will try to get council a report next week.

VOTE: 4 Ayes 1 Nays Motion carried.

**4. Resolutions Ft. Berthold Community College Budget:
Alice Spotted Bear**

a. MOA for Polycom System

Councilman Brugh moved to approve of an MOA with FBCC for the upgrade and sharing of the PolyCom System. The motion is second by Councilman Eagle.

Discussion: May 15, 2009 to May 15, 2012 is the term of the MOA. After three years, the agreement may be reviewed. Early termination of this agreement must be agreed upon by both parties. The system belongs to the FBCC, the TAT is adding on to the system.

VOTE: 5 ayes 0 Nays Motion carried.

b. Resolution 09-045-VJB: Staff Development

Councilman Packineau moved to approve of a resolution entitled, "MHA Employees Staff Development via FBCC." The motion is second by Councilman Eagle.

Discussion: The TAT will give the FBCC first priority with trainings and classes. This is not mandatory.

VOTE: 5 Ayes 0 Nays Motion carried.

c. Resolution 09-046-VJB: Priority in Funding FBCC

Councilman Eagle moved to approve of a resolution entitled, "FBCC Students Given Priority in Grant Funding." The motion is second by Councilman Packineau.

Discussion: The funding timeline is discussed. Students shouldn't be penalized if they choose to go to another college. Accreditation helps the college.

VOTE: 5 Ayes 0 Nays Motion carried.

6. Personnel: Barlow Wells, Director (Closed Session)

See personnel action forms.

7. Alternate Delegate for NIGA

Councilman Packineau moved for Kim Abby to be the alternate delegate for NIGA, second by Councilman Eagle.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

B. Economic/Education Committee: Councilman Scott Eagle

1. Resolution 09-052-VJB: TRIAD Refinery: Horace Pipe

Councilman Packineau moved to approve of a resolution entitled, "Designation of Tribal Representatives to draft and submit comments the proposed Clean Fuels Refiner-Final environmental Impact Statement (EIS)." The motion is second by Councilman Eagle.

Discussion: Parshall Lucky Mound has been waiting along time for this. Legal Department will review the language.

VOTE: 5 ayes 0 Nays Motion carried.

2. Tourism: Ted Lonefight III

a. American Indian Alaska Native Tourism Association (AIANTA): Karen Paetz

Informational.

3. Arrow Winds Proposal LLC: Pat Packineau

Councilman Benson moved for approval to go forward with Arrow Winds LLC, with Legal description for 4000 acres in the Parshall Lucky Mound area, second by Councilman Packineau.

Discussion: It would be a good thing to develop the whole thing reservation wide with all the experts. Pat is working with Mr. Hegre.

VOTE: 3 Ayes 2 Nays Motion carried.

4. Dream Catcher Program

This was not presented.

5. Stimulus Tip List/Breslin Addition/Flickertail Contract: Curt Wells

Councilman Eagle moved to approve of the Breslin Addition in New Town/Litte Shell, it has been advertised, approved, and submitted for formal approval. The amount is for \$1.3 million. The contract is with Flickertail. The motion is second by Councilman Packineau.

Discussion: If the costs go over, it will be the responsibility of Flickertail. If they are under, they keep the money.

VOTE: 5 Ayes 0 Nays Motion carried.

6. Re-Resolution for General Tip: Curt Wells

Councilman Eagle moved to approve the tip resolution and the deletion of BIA 27 Wells road from the FY-08 list, second by Councilman Packineau.

Discussion: TAT legal department is to review the resolution and to bring back the resolution in May for numbering. The Stimulus is 2009 so that can be left in there.

VOTE: 5 Ayes 0 Nays Motion carried.

7. Mandaree School Stimulus Package: Harriet GoodIron

Not present.

8. TAT Roads Purchase of Truck

Councilman Eagle moved to approve of to purchase a truck for the TAT Roads Department subject to testing by a mechanic, second by Councilman Benson.

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

C. Health Committee: Chairman Levings

Nothing to present.

**D. Judicial Drug & Alcohol/Human Resource Committee:
Vice Chairman Mervin Packineau**

1. Non-Enrolled Detainment: Dennis Johnson/Ron Renkin

They are not present.

**2. Resolutions: Verlee Whitecalfe Saylor, Public Health
Sanitarian**

**a. Resolution 09-048-VJB: Suicide Prevention Task Force:
Verlee Whitecalfe Saylor**

Councilman Eagle moved to approve of a resolution entitled,
"Authorization for Establishment of a Tribal Suicide Prevention
Taskforce." The motion is second by Councilman Benson.

Discussion: The resolution was sent to legal.
VOTE: 5 Ayes 0 Nays Motion carried.

**b. "Sakakawea" Injury Prevention Coalition: Verlee
Whitecalfe Saylor**

Councilman Eagle moved to approve of a resolution entitled,
"Sakakawea Area Injury Prevention Coalition." The motion is
second by Councilman Benson.

Discussion: No number is given until it is in the proper
format and that the resolution has gone before legal
department. **Motion and second are withdrawn.**

**c. Resolution 09-049-VJB: State Tribal Youth Suicide
Prevention Grant**

Councilman Benson moved to approve of a resolution entitled,
"State and Tribal Youth Suicide Prevention Grant." The motion
is second by Councilman Eagle.

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

**3. Law Enforcement: Jay Brugh, Chief of Police (Closed
Session)**

E. Natural Resource Committee: Councilman Barry Benson

1. Resolution 09-050-VJB: Max James Land Exchange/Preapproved: Annette Young Bird

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of Land Exchange between the Three Affiliated Tribes and Max James." The motion is second by Councilman Eagle.

Discussion: Who is your appraiser? Roger Simbulok.
A suggestion is to do a contract with an appraiser.
VOTE: 5 Ayes 0 Nays Motion carried.

2. Kodiak Oil and Gas Corp.: Michael N. Murray

He gave an update.

3. Resolution 09-051-VJB: Robert Gorder Property Purchase

Councilman Eagle moved to approve of a resolution entitled, "Approval of the Purchase of Real Property from Robert G. Gorder." The motion is second by Councilman Packineau.

Discussion: This is ratification to a resolution that was approved last summer.
VOTE: 5 Ayes 0 Nays Motion carried.

4. Agriculture Program

This was not presented.

5. MHA Roping Club Request: Everett Hall

Councilwoman Brugh moved to approve of a grant in the amount of \$2,500.00 from the Three Affiliated Tribes and \$2,500.00 from the Four Bears Casino, second by Councilman Benson.

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

6. Resolution 09-047-VJB: Everett Hall Appointed to TERO Board

Councilwoman Brugh moved to approve of a resolution entitled, "Approval of Four Bears Segment Tribal Council representative, Commission, and Board Appointments." The motion is second by Councilman Eagle.

Discussion: We haven't had a TERO meeting yet.
VOTE: 5 Ayes 0 Nays Motion carried.

7. Marathon Lease: Fred Fox

An update was given.

8. MHA Holding & Spotted Hawk Lease: Fred Fox

Councilman Whitecalfe move to approve of a lease to be authorized for MHA Holding and Spotted Hawk for tracts 1042A & 1042A-B, 22 ½ royalty, 159 total acres. Motion is second by Councilman Eagle.

Discussion: As long as there is a resolution and the information is correct. We don't want to be taking away from somebody.

VOTE: 6 Ayes 0 Nays Motion carried.

9. Peak North Dakota, LLC-Activity Summary & Proposed Activity: Alex Mclean/Jack Vaughn

An update was given.

10. Arrow Pipeline: Spencer Wilkinson Jr.

Councilwoman Brugh moved for approval of a partnership to move forward with phase 1 A & B, \$48 million. This is for 28 miles total. Councilman Whitecalfe seconds the motion.

Discussion: The Partnership is between Arrow Pipeline and Saddle Butte Pipeline.

VOTE: 6 Ayes 0 Nays Motion carried.

11. Dakota 3 IMDA & Kodiak Lease Issue: Fred Fox

Clarification on lease mix up is given.

11. Dakota 3/Z Energy: Spencer Wilkinson Jr.

An update was given.

IX. Legal Department: Damon Williams

A. Resolution Lot Purchase

This was not presented.

B. Resolution 09-042-VJB: Amendment to Tribal Code-Garnishment

Councilman Packineau moved to approve of a resolution entitled, "Amendment of Three Affiliated Tribes Code of Laws-Title II Civil Rules, Chapter 1 Rules of Civil Procedures, Rule 16 Enforcement of Judgment." The motion is second by Councilman Eagle.

Discussion: The resolution should say federal student loans on the second page. You can voluntarily do a wage assignment but we don't garnish wages.

VOTE: 6 Ayes 0 Nays Motion carried.

C. Resolution 09-043-VJB: Limited Waiver of Sovereign Immunity(Repossession)

Councilman Whitecalfe moved to approve of a resolution entitled, "Approval of Limited Waiver of Sovereign Immunity-Northland Financial/Midwest Leasing-Repossession." The motion is second by Councilman Eagle.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried

D. Business Licenses:

Councilman Packineau moved to approve of an alcohol beverage license for Izetta Spotted Bear for Twin Buttes Trading Post and for a business license for the Twin Buttes Trading Post convenience store, second by Councilman Benson.

Discussion: This is from April 9, 2009 to April 9, 2010.

VOTE: 6 Ayes 0 Nays Motion carried.

E. Resolution on Tribal Land Trades/Sales

This was not presented.

F. Resolution 09-040-VJB: Financial Advisory Agreement- Steven W. Erickson and Michael Frank

Councilman Eagle moved to approve of a resolution entitled, "Approval of Financial Advisor Agreement with Steven W. Erickson and Michael Frank for Refinancing of Tribal Debt." The motion is second by Councilman Whitecalfe.

Discussion: The projects are discussed that this will be used for.

VOTE: 5 Ayes 0 Nays 1 Abstained Motion carried.

Councilman Scott Eagle presents the New Town Wrestling team and the coaches with star quilts.

X. New Business:

A. Census Bureau: Jody Weinholt

An update was given.

B. Mandaree School Stimulus Package: Harriet Good Iron

This was not presented.

XI. Old Business:

A. Funding for 210 Homes.

Councilman Eagle moved for approval on \$3 Million today, April 9, 2009 and \$18 Million in May for the 210 homes and to continue forth with the negotiations and completion of paper work, second by Councilman Packineau.

Discussion: Terms will be at prime, no finder's fee, and no other fees on top of the issue. Very workable. The segments are to decide on their own company to build the homes in their segments. There are three vendors. This is authorization for the Treasurer, CFO, Accountants, and Chairman to gather information to get the funding that is needed for the \$3,000,000.00.

VOTE: 5 Ayes 0 Nays Motion carried.

B. Resolution of Support for Shakopee to be Drawn Up

Councilman Benson moved to approve of a resolution to be drawn up and taken to NIGA that gives support to Shakopee in regards to the new Union Law, subject to legal review, second by Councilman Packineau.

Discussion: This is subject to legal and the Secretary review.

VOTE: 5 Ayes 0 Nays Motion carried.

C. Clean-up of Carcasses: Verlee Whitecalfe/Annette Young Bird

Councilman Eagle moved to approve to have EPA, Elton Spotted Horse Director and workers, clean up the dead carcasses on the Fort Berthold Reservation lost during the snow storms. The motion is second by Councilman Benson.

Discussion: This is a health issue. This motion includes the authorization for overtime. The cleanup will start tomorrow.

VOTE: 5 Ayes 0 Nays Motion carried.

D. Hay NRC: Annette Young Bird

Councilman Eagle moved to approve of the Hay purchased in the amount of \$73,351.35, second by Councilman Packineau.

Discussion: This had previous approval.

VOTE: 5 Ayes 0 Nays Motion carried.

E. Domestic Violence: Brooklyn Maxon

Councilman Eagle moved to approve to authorize the management team to work with the state and pertinent applicable authorities to do a federal review, second by Councilman Packineau.

Discussion: It is frustrating when it seems the state isn't going to do anything. There needs to be a shelter in place for our communities. A building was given in Parshall and at the clinic. The council was told that they don't help. That wasn't true so we corrected it. The General fund is utilized, and so the Tribal Business Council can put their board in place. An employee doesn't want to work unless better management or board is in place. There is a question whether the accounts are frozen and can the employees be paid. The program is behind one year in regards to the two federal components. This doesn't include any of the state programs. The state funding goes directly to the program so there are probably some reporting issues as well. At this point they cannot make any draw downs. Rest assured that there will be something done to fix the problem because this is a program that helps. An e-mail had been sent to the director stating that this issue needed to be resolve expeditiously; the program has been suffering needlessly, and will continue to suffer until the matter has been resolved. The amount of stimulus funds and lack of attendance at the Stimulus meeting is discussed.

VOTE: 5 Ayes 0 Nays Motion carried.

F. Resolution on 09-053-VJB: Fenix Group

Councilman Eagle moved to approve of a resolution entitled, "Community Economic Development Discretionary Projects In Collaboration with the Fenix Group, Community Development Corporation Acting as the Lead Agency and Applicant Grants Coordinator." The motion is second by Councilman Brugh.

Discussion: Application is discussed.

VOTE: 5 Ayes 0 Nays Motion carried.

G. Ft. Berthold Housing Authority Board Issues

April 9, 2009

Carmen Halvorson

Councilman Packineau moved to approve to have Barry Benson replace Jim Mossett as the Twin Buttes representative on the board and Barry is to be Chairman of the board. The board is made up of 7 members. The motion is second by Councilman Eagle.

Discussion: This is for clarification for the FBHA board.

VOTE: 5 Ayes 0 Nays Motion carried.

H. June Finley Parshall Sewer line

Councilman Packineau moved to approve \$3,000.00 from the Helping Hands Program for June Finley for a Sewer line, second by Councilman Benson.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

XII. ADJOURNMENT:

Councilman Eagle moved to adjourn, second by Councilman Packineau.

Meeting adjourned at 1:03 A.M.

CERTIFICATION

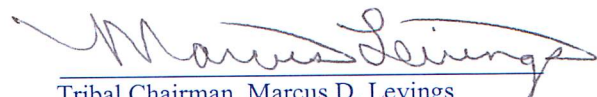
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum _____ were present at the Meeting thereof duly called, 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, V. Judy Brugh
Tribal Business Council,
Three Affiliated Tribes



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