



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING  
09-23-VJB  
May 14, 2009, 10:00 A.M.**

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**I. CALL TO ORDER:**

The meeting was called to order at 11:30 A.M.

**II. PRAYER:**

Crystal Hallum

**III. ROLL CALL:**

Councilman Barry Benson, Councilman Arnold Strahs, Councilman Scott Eagle, Treasurer Mervin Packineau, and Executive Secretary V. Judy Brugh are present. A quorum is established. Chairman Marcus Levings arrived at 1:56 PM.

**IV. APPROVAL OF AGENDA:**

**A. Council Add-On**

Councilman Benson-St. Joseph's Catholic Church XIV. D.  
Councilman Strahs-Reserved  
Councilman Eagle-Reserved  
Councilwoman Brugh-Reserved  
Councilman Packineau-Reserved  
Councilman Whitecalfe-Arikara Ceremony at Lower Brule XV.  
Spirit Riders of White Shield XVI.

Councilwoman Brugh moved to approve of Treasurer Whitecalfe additions to the amended agenda, second by Councilman Strahs.

Discussion: Councilman Whitecalfe is not present at the meeting due to family health issues but his additions will be honored and presented.

VOTE: 5 Ayes 0 Nays Motion carried.

**V. APPROVAL OF MINUTES:**

Deferred.

**A. Resolution Number Corrections**

Councilwoman Brugh moved to approve of the correction to the numbering of 09-059-VJB and 09-060-VJB, second by Councilman Eagle.

Discussion: There were two resolutions with the same number of 09-059-VJB, therefore one will stay the same and will be changed to 09-060-VJB. The resolution with the number 09-060-VJB will then be changed to 09-061-VJB.

VOTE: 5 Ayes 0 Nays Motion carried.

**VI. CHAIRMANS REPORT: Marcus Levings**

**A. Federal Programs Executive Officer: Camie Gosnell**

**1. Elder Homes: Jackie Jackson**

**a. Carmen Eagle Homesite**

Councilman Packineau moved to approve the purchase of a homesite through the Elder Program in NewTown for Carmen Eagle in the amount of \$10,000.00, second by Councilwoman Brugh.

Discussion:

VOTE: 5 Ayes 0 Nays Motion carried.

**b. Parshall Lot Purchase from Red Sanderson**

Councilman Eagle moved for approval to purchase a lot in Parshall from Red Sanderson for \$2,500.00, subject to Natural Resource Department Director approval, second by Councilman Strahs.

Discussion: This will come out of the general fund through Natural Resource.

VOTE: 6 Ayes 0 Nays Motion carried.

**c. Alfreda Good Iron**

Councilman Benson moved to approve the land exchange for Alfreda Good Iron, subject to the policy and procedure of the Natural Resource Department and Verification by Natural Resource Chairman. The motion is second by Councilman Packineau.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

**d. \$2 Million for McCann and Dynamic Homes**

Councilman Packineau moved to approve \$2 million dollars for building homes. \$1 million will go to Dynamic Homes, and \$1 million will go to McCann Home Builders, second by Councilman Eagle.

Discussion: Water is discussed. This will come out of Native American Bank until Shakopee can be utilized. Shakopee to take care of balloon payments for TAT and the Casino, and the houses.

VOTE: 6 Ayes 0 Nays Motion carried.

**3. Domestic Violence Report: Roberta Crows Breast/Linda Thompson**

Discussion Only.

**4. Exploration/Saddle Butte Pipeline: Dave Williams**

Discussion only.

**5. Indian Action II to do Road Work**

Councilman Packineau moved to approve the Indian Action II program to assist the Elder/HIP/Chairman/Parshall Daycare with building their roads. The motion is second by Councilman Strahs.

Discussion: Delmar Wilson and Daryl are to assist the Twin Buttes area with their roads. There are 3 HIP, 14 Elder, and 10 Chairman Homes to be assisted with.

VOTE: 6 Ayes 0 Nays Motion carried.

**6. Ft. Berthold Rural Water Marvin Danks Request**

This will be brought to the May 20, 2009 Special Tribal Business Council meeting.

**7. Natural Resource Department New Division: Annette Young Bird**

Councilman Strahs moved for approval to start a new division of Natural Resource Department to be named as "Division of Right-of-way and Water Resources, NRC Director to work out the logistics. The motion is second by Councilman Packineau.

Discussion: Just need a place to house the program, to work with Camie Gosnell.

VOTE: 6 Ayes 0 Nays Motion carried.

**8. Stimulus Package Meeting**

Camie gave an update. Camie is to have a meeting with the CHR Program regarding transporting.

**B. Tribal Programs Executive Officer:**

**C. Programs Analyst:**

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

**1. Army Corp. of Engineers**

Discussion only.

**2. Native Construction Careers Initiative: Kevin Buckles**

They gave a presentation. Monte Gamble attended with Kevin.

**E. Honorarium**

**1. Damon Williams**

Councilman Eagle moved to approve of a \$5,000.00 and a buffalo robe honorarium for his swearing in with the North Dakota State Bar Association, second by Councilwoman Brugh.

Discussion:

VOTE: 6 Ayes 0 Nays Motion carried.

**2. Jarrett Baker**

Councilman Eagle moved to approve of a \$2,500.00 and Star Quilt honorarium for Jarrett Baker, second by Councilman Strahs.

Discussion:

VOTE: 6 Ayes 0 Nays Motion carried.

**3. Edwin Benson**

Councilman Strahs moved to approve of a Buffalo Robe and a \$500.00 honorarium for Edwin Benson. The motion is second by Councilman Eagle.

Discussion:

VOTE: 6 Ayes 0 Nays Motion carried.

**4. Michelle Crows Heart and Marvel Heart**

Councilman Strahs moved to approve of a Star Quilt and a \$500.00 honorarium for Michelle Crows Heart and Marvel Heart, second by Councilman Eagle.

Discussion:

This is for Award of the Year & Top Gun Award.

VOTE: 6 Ayes 0 Nays Motion carried.

**F. Moving Expense: Doreen Yellow Bird**

This was not presented.

**VII. TREASURERS REPORT: Mervin Packineau**

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

He gave an update.

**1. Native American Bank: Dave Gilman, President & CEO-Denver, Co.**

A presentation was given.

**2. Steve Erickson/David Noack**

Presentation only.

**B. Small Loans: Andrew Reed**

**1. Robert Finley(Closed Session)**

**2. Deduction Funds to Small Loans for \$20,000.00**

Councilman Strahs moved to approve \$20,000.00 from the payroll deduction funds to go back into the Small Loan Department. The motion is second by Councilman Eagle.

Discussion:

VOTE: 6 Ayes 0 Nays Motion carried.

**C. Independence Loans: Ambrose Hosie**

**1. Business Loan: Charles Moran**

He will come back to the Tribe at another time.

**D. Financial Requests:**

**1. Twin Buttes Celebration Financial Request**

Discussion: All segments will receive the same \$32,500.00.

**2. Workshop in London: Pansy Goodall**

This was not presented.

**3. Request for Moving Trailer Home: Katherine Young Bear**

Councilman Benson moved to approve of a \$5,000.00 loan for Katherine Young Bear to move a trailer back to the reservation. The motion is second by Councilwoman Brugh.

Discussion: Camie Gosnell FPEO will check to see if one of the departments can move it. To check with Jackie Morsette to borrow tires from the FEMA trailers.

VOTE: 6 ayes 0 Nays Motion carried.

**4. Medical Request for Jody Fox Altringer: Barry Benson**

This was not presented.

**5. Medical Grant for Medicine Man Request by Beulah Chapin: Councilwoman V. Judy Brugh**

This was not presented.

**6. Education Grant Request Wayne Fox**

Councilman Packineau moved to approve of an educational Grant in the amount of \$2,700.00 for Wayne Fox, seconded by Councilwoman Brugh.

Discussion: Correction to the amount of the motion, it is for \$2,500.00 not \$2,700.00 (for the Docket). Wayne will come up with the other \$200.00. This is for a doctoral degree.

VOTE: 6 ayes 0 Nays Motion carried.

**7. RAV Financial Request: Verlee Whitecalfe Saylor**

Councilman Benson moved to approve of \$7,000.00 for the RAV Veterinarians coming to Fort Berthold in July, second by Councilman Packineau.

Discussion: They will be starting on the 9<sup>th</sup> of July in Twin Buttes.

VOTE: 6 Ayes 0 Nays Motion carried.

**8. Educational Request: Brad Kroupa**

This was not presented.

**9. Denny Wolf Financial Request**

Councilman Eagle moved to approve a grant in the amount of \$2,900.00 and a loan in the amount of \$2,900.00 for a total of \$5,800.00 for Denny Wolf to purchase a bull and 10 heifer steers, second by Councilman Benson.

Discussion: This is coordinated with the Boys and Girls club.

VOTE: 6 Ayes 0 Nays Motion carried.

**10. Dan Hunts Along Financial Request & Education Loans**

Councilman Packineau moved to approve of a small loan in the amount of \$15,000.00 for leases and ranching needs for Gerald Hunts Along and the Educational loans for \$11,300.00. The grand total is \$26,300.00, second by Councilwoman Brugh.

Discussion: This does not include medical or personal loans. The rest will be brought to the May 20, 2009 Special TBC meeting.

VOTE 6 Ayes 0 Nays Motion carried.

**11. Financial Request: Camilla Wilkie-Grinnell**

This was not presented.

**12. Elder Financial Request: June Packineau**

This was not addressed.

**13. Ceremony Financial Request: Arlie Knight**

Councilwoman Brugh moved to approve of a grant in the amount of \$7,000.00 for a Hide Beating Ceremony, second by Councilman Eagle.

Discussion: Can't pull together 18 Buffalo hides, but the Tribe can do 7 hides. This will be June 4-6, 2009. The last time that this was done was in 1879. This is a Hidatsa ceremony.

VOTE: 6 ayes 0 Nays Motion carried.

**E. OST/TAT Investment of Accounts Letter: Austin Gillette**  
**COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS:**

**A. Executive Committee: Marcus Levings**

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

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

**a. New Employees for Temporary Licenses**

Councilwoman Brugh moved to approve of 43 employees for Temporary License, second by Councilman Packineau

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

**b. Report**

Mark gave a report.

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

**a. Dustin Youpee Enrollment**

Councilman Eagle moved to approve of Enrollment for Dustin Youpee, second by Councilman Benson.

Discussion: This is re-enrollment. Enrollment won't be opened back up. This is an exception because of custody issues. Another re-enrollee is brought up as an example.

Payment back to other tribes and the November 4<sup>th</sup> 2008 cut-off date is discussed. The discussion is any applicants after the cut-off date would not be accepted and if it was, it would change the constitution. A suggestion is for Dustin to wait and establish residency but the point system for his job is an issue. It is suggested to open enrollment back up.

VOTE: 4 Ayes 1 Nays 1 Abstention. Motion carried.

**b. Resolution 09-073-VJB: 105 Applicants Enrolled**

Councilman Packineau moved to approve of a resolution entitled, "105 Eligible Enrollment Applicants." The motion is second by Councilman Eagle.

Discussion: Dustin Youpee is to be added to this list to make it 105 applicants. Legal says to have another **Therefore be it resolved** to rescind the portion of resolution to re-open or end the moratorium on enrollment. Otherwise there will be two conflicting resolutions. A Councilman thought that it was just up to the date of the referendum and didn't know there was a moratorium. By these actions, the criteria have been changed. The thing to do now would be to keep enrolling until the membership changed the criteria. **A Were As** will be added to include by Reference 09-044-VJB. All the people that applied prior to the November cut off date can enroll. Until there is a decision by the BIA, end the moratorium. To contact the BIA and let them know they are putting the tribe in a tough spot. To carry out the intent of the resolution to ratify the previous resolution "237 applicants". The moratorium is lifted and to enroll the 104 applicants plus Dustin Youpee. Then after this there is no moratorium.

VOTE: 4 Ayes 2 Nays Motion carried.

**4. Personnel (Closed Session)**

Barlow Wells, Human Resource Director presented.

**a. Acting Chief of Police**

Councilman Packineau moved to authorize a class I suspension to Jay Brugh, second by Councilman Benson.

Discussion: He is to appear at the May 20, 2009 Special Tribal Business Council meeting for a rebuttal.

VOTE: 4 Ayes 0 Nays 1 Abstention (VJB)

Motion carried.



**B. Economic Development/Education Committee:**

**Councilman Scott Eagle**

**1. Temporary Collateral Assignment: Clarence O'Berry**

Discussion with Tribal Business Council and CFO. This will be brought back to the May 20, 2009 Budget Tribal Business Council meeting.

**2. Resolution: Mandaree School Request to Apply for Stimulus: Harriet Good Iron**

**a. Resolution: Mandaree School Application for Stimulus**

Councilman Strahs moved to approve of a resolution entitled, "Authorization of Mandaree School's Request to apply for Stimulus Funding under the American Reinvestment and Recovery Act of 2009." The motion is second by Councilman Benson.

Discussion: Motions rescinded by Councilman Benson and Councilman Strahs. FPEO Camie Gosnell will follow up on the Stimulus packages with the schools and get back to the Tribal Business Council before this meeting adjourns.

**b. Resolution 09-070-VJB: Reservation Grant Schools Stimulus Applications**

Councilman Strahs moved to approve of a resolution entitled, "Authorization of Mandaree School, White Shield School & Twin Buttes School's Request to apply for Stimulus Funding under the American Reinvestment and Recovery Act of 2009." The motion is second by Councilman Benson.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

**3. Awa Aaga Ruxbaaga Dba Hidatsa Revitalization Project: Waylon Pretends Eagle**

**4. Headstart Grant Application: Sarah Young Bird**

**5. Jim Coleman Company/Hanna Car Wash Systems**

**C. Health Committee: Chairman Levings**

**1. Dr. McGrill (Closed Session)**

Discussion only.

**2. Minne Tohe Monetary Donation**

Councilwoman Brugh moved to approve a monetary donation to the Minne Tohe Health Clinic for a one year

anniversary in the amount of \$2,043.00, second by Councilman Packineau.

Discussion: May 20, 2009 is the event.

VOTE: 5 Ayes 0 Nays Motion carried.

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

**1. Roads Dept.: Curt Wells, Director**

**a. Resolution 09-071-VJB: TIP List for FY-09**

Councilman Benson moved to approve of a resolution entitled, "Additional Routes & Maintenance work to be included in the Revised Transportation Improvement Program "TIP" List." The motion is second by Councilman Packineau.

Discussion: Last Summer the tribe was looking at a strategy with Marion construction to offset what their need is on Northern Lights and BIA 27 Wells Road, to trade when they do their production of their gravel. To put a pile together for two seasons or so versus paying the tribe \$50,000.00 or what ever. Just crush us \$50,000.00 in gravel, that will take us down the road. That could be laid on these subdivisions. That way its crushed to a grade and specs and then as long as you water it and compact it until down the line when it is a subdivision; black top and sealing. Roads will need a scale. This is to see how much gravel they are hauling out.

VOTE: 6 Ayes 0 Nays Motion carried.

**b. Resolution 09-072-VJB: Corrections to Routes on the Stimulus Package**

Councilman Packineau moved to approve of a resolution entitled, "Proposed Tribal Roads Projects for the Three Affiliated Tribes BIA Stimulus Package." The motion is second by Councilman Strahs.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

**c. Tribal Roads**

**d. Load Restrictions**

It will cost \$4300.00 for a scale x 4 scales.

**2. Law Enforcement**

**3. Bernadine Young Bird**

**E. Natural Resource Committee: Councilman Barry Benson**

**1. TRIAD \$500,000: Horace Pipe**

Treasurer Packineau will let TRIAD know if they have to attend the Budget meeting on May 20, 2009.

**2. Questar Exploration & Production: Fred Fox**

**3. Resolutions forwarded from NRC Mtg.**

**VIII. Legal Department: Damon Williams/Jennifer Fyten**

**1. Resolution 09-075-VJB: Dakota 3 E&P Assignment to Kodiak**

Councilwoman Brugh moved to approve of a resolution entitled, "Approval to Dakota-3 E & P Company, LLC to Assign 1950.96 acres under its Indian Mineral Development Agreement-Contract No.7420A49001 to Kodiak Oil and Gas for comparable acreage." The motion is second by Councilman Eagle.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

**2. Business Licenses**

Councilman Packineau moved to approve of Business & Alcohol Beverage Licenses, second by Councilman Strahs.

Discussion: Approval is for Ft. Berthold Development Corporation (Four Bears Casino) Alcoholic Beverage License, Four Bears Casino & Lodge-Business License Renewal, Nash Automotive -Dennis Nash-Business License Renewal, Hale Marina-James & Donita Hale-Business License Renewal, NHA Systems-Richard Mayer-Business License Renewal, and Native American Promotions-Romiro Damian-New Business License.

VOTE: 5 Ayes 0 Nays Motion carried.

**3. Resolution 09-077-VJB: Public Transportation on Indian Reservation**

Councilman Eagle moved to approve of a resolution entitled, "Public Transportation on Indian Reservation Programs: Tribal Transit Program Grant." The motion is second by Councilman Strahs.

Discussion: It would be under roads.

VOTE: 5 ayes 0 Nays Motion carried.

**4. Resolution 09-076-VJB: Sakakawea Area Injury Prevention Coalition**

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

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

**5. Resolution 09-074-VJB: Signatory Authority**

Councilman Strahs moved to approve of a resolution entitled, "Appointment of Executive Officers Authorized of the Tribal Business Council as of May 7, 2009 and Authorizing Signatory Authority to Chairman Marcus D. Levings and the Treasurer of the Three Affiliated Tribes." The motion is second by Councilman Packineau.

Discussion: This just reinforces the constitution and there will be no retroactive ratification.  
VOTE: 6 Ayes 0 Nays Motion carried.

**6. Resolution 09-078-VJB: Arrow Wind LLC Contract**

Councilman Strahs moved to approve of a resolution entitled, "Approval of Wind Energy Development and Joint Venture Agreement with Arrow Wind, LLC." The motion is second by Councilwoman Brugh.

Discussion: No discussion.  
VOTE: 3 Ayes 1 Nays 1 Abstention (MP) Motion carried.

**7. Amendment to Resolution 08-145-VJB: Harlan Deane Land Exchange**

Councilman Packineau moved to approve of an amendment to a resolution entitled, "Approval of Land Exchange between the Three Affiliated Tribes and Harlan Deane." The motion is second by Councilman Strahs.

Discussion: This is making it right, 80 acres for 80 acres. The legal description has been corrected.  
VOTE: 5 Ayes 0 Nays Motion carried.

**8. Bankruptcy Issues**

Councilman Packineau moved to approve a loan in the amount of \$35,452.49 for Robert Hindshaw subject to small loans policy and procedures, second by Councilman Eagle.

Discussion: The title is to be used as collateral.  
VOTE: 5 Ayes 0 Nays Motion carried.

**9. Resolution 09-079-VJB: Jerry Nagel Land Purchase**

Councilman Strahs moved to approve of a resolution entitled, "Approval of the Purchasing of Real Property from Jerry and Delaine Nagel." The motion is second by Councilman Eagle.

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

**10. Resolution 09-080-VJB: Gorder Land Purchase**

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

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

**IX. New Business:**

**A. Resolution: Walk Around the Rez**

This was not presented.

**X. ADJOURNMENT:**

Councilman Eagle moved to adjourn, second by Councilman Strahs.

Meeting adjourned at 11:48 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 \_\_\_\_ 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

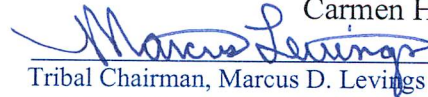
Dated this \_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

Regular Tribal Business Council Meeting

May 14, 2009

Carmen Halvorson



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

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

