



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING  
09-46-VJB  
September 8, 2009, 10:00 A.M.**

**I. CALL TO ORDER:**

The meeting was called to order at 10:38 A.M.  
This is meeting 159 of the Wells-Levings administration.

**II. PRAYER:**

Byron Brady.

**III. ROLL CALL:**

Councilman Barry Benson, Councilman Frank Whitecalfe, Councilman Arnold Strahs, Chairman Marcus D. Levings, and Councilwoman V. Judy Brugh are present. A quorum is established. Councilman Mervin Packineau arrived at 11:14 A.M.

**IV. APPROVAL OF AGENDA:**

Add-ons:

Chairman Levings: Game and Fish: Fred Poitra  
Frank Whitecalfe: VI. B. 5. Dustin Ward Medical Request  
Chairman Levings: Education VI. B. 6.

Councilman Whitecalfe moved to approve of the amended agenda, second by Councilman Strahs.

Discussion: Mary Elis Wells will be presenting for Donna Poitra. Personnel and 4 Bears Casino will be moved up.  
VOTE: 5 Ayes 0 Nays Motion carried.

**V. CHAIRMANS REPORT: Marcus Levings**

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

This was not presented.

**B. CEO Report: Terry Red Fox**

**1. Report**

Terry gave a report.

**2. Satrom Travel Tour as TAT Travel Agent**

Councilman Whitecalfe moved to approve TAT to go with Satrom Travel Tours as travel agent, second by Councilwoman Brugh.

Discussion: Frequent flyer miles are to be used as a bereavement travel fund. Terry is to get the terms to the Executive Secretary and the Treasurer.

VOTE: 7 Ayes 0 Nays Motion carried.

**C. Program Analyst: Izetta Fernandez**

This was not presented.

**D. Resolution: Health Services to Non-Natives: Jim Foote**

This was not presented.

**VI. TREASURERS REPORT: Mervin Packineau**

**A. Financial Report: Lenny Abrams**

This was not presented.

**B. Small Loans: Andrew Reed**

All Small Loans are deferred.

1. Loan Request: Vernon Young Bear
2. Home Loan: Jamie Thonphet
3. Home Loan: Misty McKay
4. Loan Request: Charles Blake
5. Medical Loan Request: Dustin Ward
6. Education Loans

**C. Independence Loans: Ambrose Hosie**

All Independence Loans are deferred.

1. Welding Repair Shop Business Plan: Tracy Lewis
2. Painte's Auto Repair Business: Donald Painte Sr.

**D. Requests:**

1. Home Request: Christine Ross

She did not present.

2. Loan or Grant Request: Jeff Baker

He did not present.

3. Request for Repairing Sweat for Boys & Girls Club/Public: Sadie Mann

She did not present.

4. Financial Request: Rollie Knight

He did not present.

5. Education Request: Garrett Smith

He did not present.

**6. Switches & Cabling for TAT Building: Wayne Simpson**

He did not present.

**7. Medical Request: Dustin Ward**

Councilwoman Brugh moved to approve of a small loan in the amount of \$5,000.00, second by Councilman Whitecalfe.

Discussion: This will be co-signed by Councilman Whitecalfe.

VOTE: 7 Ayes 0 Nays Motion carried.

**8. Medical Request for Mikki Alcon Newborn**

Councilman Benson moved to approve an emergency medical grant in the amount of \$500.00 for Mikkie Alcon and Newborn baby, second by Councilman Eagle.

Discussion: The baby was born without a cranial cap and will be taken to Minneapolis.

VOTE: 6 Ayes 0 Nays Motion carried.

**9. Mark Little Owl Home Deposit**

Councilman Benson moved to approve a wage deduction for Mark Little Owl for a move in deposit with Tribal Housing for a home in Northern lights Subdivision in the amount of \$126.92 per pay period for 26 pay periods to total the amount of the deposit of \$3,300.00. The motion is second by Councilman Eagle.

Discussion: No discussion.

VOTE: 6 Ayes 0 Nays Motion carried.

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

**A. Executive Committee Reports**

**1. 4 Bears Casino Report: Spencer Wilkinson Jr. 11:39 A.M.**

Councilman Eagle moved to approve of the 4 Bears casino Report, second by Councilman Strahs.

Discussion: The pow wow is discussed. Four bears Pow Wow committee had requested to do the pow wow outside. The Amphitheatre was created for everybody. There will be three outdoor pow wows. Speed bumps are requested like the ones at the pow wow.

VOTE: 6 Ayes 0 Nays Motion carried.

**2. Gaming Commission Report: Mark Fox 12:11 P.M.**

**a. Key/Non-Key Temporary Licenses**

Councilman Packineau moved to approve of the 17 key and non-Key temporary licenses, second by Councilman Strahs.

Discussion: Are the numbers down for jobs? There are jobs. No felonies can work at the casino.

VOTE: 6 Ayes 0 Nays Motion carried.

**b. Retirement Account Pay-out for Mark Fox**

Councilman Packineau moved to approve to pay-out Mark Fox's retirement account, second by Councilman Whitecalfe.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.

**c. Report**

Mark gave a report.

**3. Enrollment: John Charging**

He did not present.

**4. Personnel: Barlow Wells, Human Resource Director  
(Closed Session) 11:00 A.M.**

See personnel action forms.

**B. Economic/Education Committee: Scott Eagle**

**1. American Recovery Reinvestment Act Grant: Sara Young Bird**

Councilman Eagle moved to approve the American Recovery Reinvestment Act Grant for Headstart in the amount of \$85,168.00, second by Councilman Strahs.

Discussion: No discussion.

VOTE: 5 Ayes 0 Nays Motion carried.

**2. Minutes**

7-29-09	8-12-09	8-18-09-II
7-31-09-I	8-13-09	
7-31-09-II	8-18-09-I	

Councilman Packineau moved to approve seven sets of minutes subject to review and corrections, second by Councilman Strahs.

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

**C. Health Committee: V. Judy Brugh**

**1. Health Threat with New Homes: Verlee Whitecalfe-Saylor**

She did not present.

**D. Judicial/Human Resource Committee: Mervin Packineau**

**1. Child Support Approval on Proposed Budget: Ellen Wilson**

She did not present.

**2. Social Service Finance Memo: Renae Mayer**

This is forwarded to the September 21<sup>st</sup> continuation meeting.

**3. Resolution 09-140-VJB: Qualified Expert Witness: Katherine Felix, LSW**

Councilman Eagle moved to approve of a resolution entitled, "Designation of Qualified Expert Witnesses in ICWA cases." The motion is second by Councilman Packineau.

Discussion: Twin Buttes may have more expert witness to add to the list.  
VOTE: 7 Ayes 0 Nays Motion carried.

**4. Request for Additional Program Funds for VocRehab: Misty Houle/Leo Lockwood**

Councilman Eagle moved to approve the request for additional funding for VocRehab in the amount of \$12,000.00 for salaries, second by Councilman Strahs.

Discussion: If by September 30, 2009 the grant doesn't get renewed, it is the end of the program. Will the Tribe get reimbursed if the funding comes through? The money can't be reimbursed from the grant, but the state can reimburse for client services. To look for the \$30,000.00 shortfall. VocRehab is to work with Camie Gosnell, FPEO.  
VOTE: 5 Ayes 0 Nays Motion carried.

**5. Vehicle Transfer from Property to Program Consumer:  
Misty Houle/Leo Lockwood**

This was not presented.

**6. Richard Meyer Honored for the 2009 Best of Parshall  
Award by the U.S. Commerce Association**

He is presented with a monetary gift and a Pendleton.

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

**1. EPA: Elton Spotted Horse**

**a. Four Bears Clean-up: Elton Spotted Horse**

Elton did not present this.

**b. Resolution 09-139-VJB: Browns Field Grant  
Assessment on Reservation: Elton Spotted Horse/Lyle  
Gwin**

Councilman Packineau moved to approve to go ahead on the Browns Field investigation, Councilman Packineau withdraws his motion.

Councilman Packineau moved to approve of a resolution entitled, "Approval of Consultant Agreement with IECOIS Group for Brownfield Investigation/Cleanup and Planning Services." The motion is second by Councilman Whitecalfe.

Discussion: This is a consultant contract. The amount is \$40,000.00.

VOTE: 7 ayes 0 Nays Motion carried.

**2. FBRW Water Quantification Proposal: Marvin Danks**

Councilman Packineau moved to approve a letter of support for Katherine Vandermere to seek budget funding in the amount of \$239,200.00 for water quantification, second by Councilman Whitecalfe.

Discussion: She had a vision that she was to help the Three Affiliated Tribes. She gave a blanket made by her tribe to our tribe. It will be put in the glass case in the Tribal chambers.

VOTE: 7 Ayes 0 Nays Motion carried.

**3. Resolution: Lease 23.34 Fee land Acres to Marathon  
Oil Company-Berverly Hall**

This was passed in a previous meeting.

**4. Fish & Game Proclamation: Fred Poitra, Fish & Game Director 11:20 A.M.**

**a. Tribal Business Council Elk Tag**

Councilman Packineau moved to approve the Tribal Business Council the opportunity for an Elk tag, second by Councilman Whitecalfe.

Discussion: The cost is \$300.00 for the TBC members.

VOTE: 4 Ayes 1 Nays Motion carried.

**b. Eight Fish & Game Proclamations**

Councilman Packineau moved to approve of the eight Fish & Game Proclamations, second by Councilman Whitecalfe.

Discussion: Amendment to the deer Gun proclamation of 50/50 Doe to Buck Ratio. No flushing deer off of the reservation.

VOTE: 6 Ayes 0 Nays Motion carried.

**VIII. LEGAL: Damon Williams/Diane Avery**

**A. Resolution 09-142-VJB: Personnel-Damon K. Williams Contract Renewal (Closed Session)**

**B. Personnel-Prosecutor**

This was not presented.

**C. Resolution 09-143-VJB: Parshall Subdivision Road Maintenance**

Councilman Whitecalfe moved to approve of a resolution entitled, "Road Maintenance for the Parshall Bay Subdivisions to be provided by The Three Affiliated Tribes, Tribal Road Department." The motion is second by Councilman Packineau.

Discussion: No discussion.

VOTE: 7 Ayes 0 Nays Motion carried.

**D. Resolution: Tribal Prevailing Wage Rate**

This was not presented.

**E. Resolution 09-141-VJB: Michael Frank as Financial Advisor**

Councilman Packineau moved to approve of a resolution entitled, "Approval of Michael Frank to Serve as Financial Advisor for Proposed 4 Bears Casino and Lodge Hotel Expansion." The motion is second by Councilman Strahs.

Discussion: Michael discussed the refinery.

VOTE: 7 Ayes 0 Nays Motion carried.

**F. Michael Frank as Advisor on the LSA Agreement/Totten Lien**

Councilman Packineau moved to approve to hire Michael Frank as financial advisor for the LSA Agreement and Totten Lien, second by Councilman Whitecalfe.

Discussion: As long as the Treasurer is comfortable with it. Michael is thanked for helping Mandaree Electronics get a loan when they need one.

VOTE: 7 Ayes 0 Nays Motion carried.

**G. Liquor License for Ed's Bar**

Councilman Packineau moved to approve of a Liquor License for Ed's bar, second by Councilman Strahs.

Discussion: The community Board would like for the entrepreneur not to bypass them. The spot that it sits is a danger because of the traffic. Support for economic development is felt.

VOTE: 5 Ayes 1 Nays 1 Abstention Motion carried.

**H. Two Week Grants for Tourism: Sue Romero 4:49**

Councilman Whitecalfe moved to approve of two North Dakota Grants for TAT Tourism in the amount of \$50,000.00 each, second by Councilman Eagle.

Discussion: The letters of intent are being faxed.

VOTE: 7 Ayes 0 Nays Motion carried.

**IX. NEW BUSINESS:**

**A. Stanley Equipment: Roger Gilstead/Don Williams 11:46**



Discussion only.

**B. EAC Request for Extension and Referendum on Refinery:  
Elise Packineau/Candy Mossette**

A motion is entertained to approve an extension for comment period on the Environmental Impact Statement and to approve of a referendum. No action taken.

**C. Personal Business: Donna Poitra/Mary Elis Wells (Closed Session)**

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**X. OLD BUSINESS:**

**A. House Removal: Katherine Young Bear**

She did not appear to present.

**XI. ADJOURNMENT:**

Councilman Strahs moved to adjourn the meeting, second by councilman Eagle.

Meeting adjourned at 5:16 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

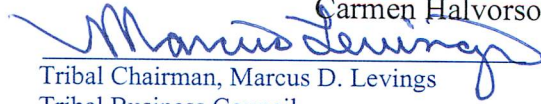
Dated this \_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

Regular Tribal Business Council Meeting

September 8, 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

