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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING  
10-25-VJB  
August 6, 2010, 9:00 A.M.**

**I. CALL TO ORDER:**

The meeting was called to order at 11:32 A.M.

**II. PRAYER:**

Councilman Barry Benson gave the invocation.

**III. ROLL CALL:**

Chairman Marcus Levings, Councilman Barry Benson, Councilman Arnold Strahs, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh are present. A quorum is established. Councilman Scott Eagle arrived at 11:55 A.M. Councilman Frank Whitecalfe is not present but he will be conference in on some items until he arrives later in the meeting. Chairman Levings left the meeting early. A break is taken at 2:38 P.M. Vice-Chairman Whitecalfe called the meeting back to order at 2:57 P.M. A recess was taken at 6:49 P.M. The meeting was called back to order at 7:03 P.M. Chairman Levings returned to the meeting at 7:47 P.M.

**IV. APPROVAL OF AGENDA:**

Councilman Benson moved to approve of the agenda. The council reserves their add-ons. The motion is seconded by Councilman Strahs.

VOTE: 6 Ayes 0 Nays Motion carried.

**V. APPROVAL OF MINUTES:**

Councilwoman Brugh moved to approve of three sets of minutes dated July 15, 2010, July 21, 2010, and July 30, 2010. This is subject to corrections. The motion is seconded by Councilman Strahs.

VOTE: 7 Ayes 0 Nays Motion carried.

**VI. CHAIRMANS REPORT: Marcus Levings**

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

This was not presented.

**B. Chief Executive Officer: Terry Red Fox**

**1. Resolution: I.H.S Lease-Elbowoods Memorial Health Care Center**

This was not presented.

**C. Programs Analyst: Kim Red Fox**

This was not presented.

**VII. TREASURERS REPORT: Mervin Packineau**

**A. Chief Financial Officer Report: Lenny Abrams**

This was not presented.

**VIII. COMMITTEE REPORT:**

**A. Executive Committee**

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

**a. Four Bears Casino & Lodge Expansion Proposal: Kevin Christenson/MJ Gunderson 4:29**

Councilman Eagle moved to approve a directive to go build criteria and advertise to the three companies first and bring back by September 3, 2010. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**b. 4 Bears Casino Report: Spencer Wilkinson & Staff**

The General Manager Spencer Wilkinson and staff gave the July 2010 monthly report for the Four Bears Casino & Lodge.

**c. Four Bears Casino & Lodge Wage Increase**

Councilman Benson moved to approve of the recommendation for raises that the general manager and CEO have approved for the Four Bears Casino and Lodge. This motion includes approval on the quarterly report. The motion is seconded by Councilman Whitecalfe.

Discussion: The cage line is too long. Kiosk machines are requested. A vendor is making a proposal for more kiosk machines.

VOTE: 6 Ayes 0 Nays Motion carried.

**2. Gaming Commission: Mark Fox**

**a. Temporary Licenses**

Councilman Packineau moved to approve of 17 temporary licenses for key and non-key for the Four Bears Casino & Lodge. The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**b. Prohibitions in Employment and Commission Membership**

Councilman Strahs moved for approval to adopt the policy on Prohibitions in Employment and commission membership for the Four Bears Casino and Lodge Gaming Commission. The motion is seconded by Councilwoman Brugh.

Discussion: This is information for only the Gaming Commission and Gaming Commission Director. this should not include staff that aren't privy to information.

VOTE: 5 Ayes 0 Nays Motion carried.

**c. Class II Regulations**

An update was given on extensions and compliance.

**3. Enrollment: John Charging**  
**a. Secretarial Election**

The Secretarial Election will be held in conjunction with the Primary Election and will be handled by the Bureau of Indian Affairs.

**b. Resolution 10-094-VJB: 54 Applicants for Enrollment**

Councilman Strahs moved to approve of a resolution entitled, "Approval of 54 Applicants for Enrollment into the Three Affiliated Tribes." The motion is seconded by Councilman Eagle.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

**4. Personnel: Barlow Wells**

This was not addressed.

**5. Ft. Berthold Housing Authority: Becky Knight/Marva Pretends Eagle/  
Millard Bill Hale/ Lisa Deville/Diane Johnson/ Gloria Fast Dog/Jennifer  
Charging/Steve Dewald, A& E 11:50**

Becky Knight states for the record: The way the application was submitted; the way the land description went into the State of North Dakota that's how it was read. But we know that the duplexes are in the Hilltop subdivision. This was turned over to legal because the wording was incomplete or not identified. It is corrected now.

Councilwoman V. Judy Brugh states for the record: She wants her 30 homes done as soon as possible no matter which company is selected. Becky Knight response is "O.k." Councilwoman Brugh reiterates that she is tired of this and she spoke to Becky's staff about fairness. Where there is fairness and where there is not fairness. This is where Councilwoman Brugh is coming back at; if you're going to treat one person selectively then let's treat all of us the same way.

**a. Five Tribal Members with Home Loans:**

Councilman Eagle moved to approve of five home loans in the amount of \$247,850.00 with a repayment plan of five years. This is broken down as a repayment plan of 59 payments, 60<sup>th</sup> payment to be a balloon payment. The Four Bears Casino will do a transfer of this total amount of \$247,850.00. The five people to receive the loans are: Toni Star at \$92,000.00, Yvonne Gunderson at 21,000.00, Kelly Driftwood at \$52,000.00, Gloria Brennan at \$12,850.00, and Janice Kerzmann at 70,000.00. The Ketterling Hold will apply to their IIM accounts. This is subject to availability of funds. The motion is seconded by Councilman Packineau.

Discussion: The Four Bears Casino & Lodge monthly distribution will be routed to the Small Loan Program with the distribution being in compliance with the loan agreement and Shakopee Tribe.

VOTE: 5 Ayes 1 Nays Motion carried.

**6. Resolution 10-093-VJB: FY 2011 CSBG: Norma Staples/Charmaine Driver**

Councilman Eagle moved to approve of a resolution entitled, "Authorization of FY 2011 Community Services Bock Grant Application Submission to the Office of Community Services, U.S. Department of Health and Human Services." The motion is seconded by Councilwoman Brugh.

VOTE: 5 Ayes 0 Nays Motion carried.

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

There is nothing presented.

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

**1. Elbowoods Healthcare Facility: Jim Foote 5:43**

An update was given.

**a. Westrum Land Survey 6500**

Councilman Eagle moved for approval to pay \$6,500.00 to Westrum Land Survey Inc. to survey out the 40 acres for the Elbowoods Healthcare housing project. The motion is seconded by Councilman Benson.

Discussion: Councilman Eagle has concerns and verifies with Jim Foote that the company will not come back with another bill after the survey is completed.

VOTE: 6 Ayes 0 Nays Motion carried.

**b. Resolution 10-095-VJB: 42.8 Acres Lease**

Councilman Eagle moved to approve of a resolution entitled, "Indian Health Service Lease-Elbowoods Memorial Health Care Center." The motion is seconded by Councilman Packineau.

VOTE: 6 Ayes 0 Nays Motion carried.

**c. Letter of Engagement Amendment to DA Davidson**

Councilman Strahs moved to approve of an amendment to the letter of engagement to DA Davidson for the feasibility study and the continuation of their services. The motion is seconded by Councilman Packineau.

Discussion: Terry Red Fox, CEO comments that during a meeting with the USDA and some of Dorgan's staff, Jasper Snyder recommended that numbers should be put together and to send him a letter on what was needed for infrastructure on the reservation. A letter was sent off with estimates of between \$7 and \$10 million. The housing project for the clinic was involved with that. It has been three weeks and they haven't heard back yet. Rent is not included in their contract.

VOTE: 5 Ayes 0 Nays Motion carried.

**d. Personal Home Repair Loan Request: Jim Foote**

Councilman Packineau moved to approve of a medical loan for Jim Foote in the amount of \$5,000.00. The motion is seconded by Councilman Eagle.

Discussion: Jim will need to follow the Small Loans Guidelines for payback per check.

VOTE: 6 Ayes 0 Nays Motion carried.

**2. Mental Health Department Budget Justification: Mark Little Owl**

Councilman Packineau moved to approve of a onetime budget modification for the remaining fiscal year 2010 in the amount of \$135,220.00 for the Minne Tohe Mental Health clinic. The motion is seconded by Councilwoman Brugh.

Discussion: The mental health is commended for going from zero to eight staff.

VOTE: 7 Ayes 0 Nays Motion carried.

**3. Social Services Budget Issues: Renae Mayer**

This was not addressed.

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

Nothing was presented.

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

Nothing was presented.

**IX. LEGAL: Damon Williams**

**1. Business Licenses**

Councilwoman Brugh moved to approve of a Special Event Beer License for Git-R-Done beer sales to be held in conjunction with the 2010 Mud Run. The motion is seconded by Councilman Packineau.

VOTE: 6 Ayes 0 Nays Motion carried.

**2. White Shield Casino Proposal**

This was not presented.

**3. Athletic Commission**

This was not presented.

**4. Surveillance System on Oil Wells: Clair Fox**

This will be looked into further and brought back to the Tribal Business Council.

**5. Shell Creek Road Maintenance**

The TAT Legal, CEO, & Roads Department are to get with Marathon Oil regarding paying for maintenance on the Shell Creek road.

**X. NEW BUSINESS:**

**1. 2010 H.E.R.O. Conference: Martha Hunter**

Councilwoman Brugh moved to approve of a grant in the amount of \$1,500.00 for the H.E.R.O.S Conference to be held September 9-11, 2010 at United Tribes Technical College in the Wellness Center. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes 0 Nays Motion carried.

**2. Financial Request: Jerry Irwin**

Councilman Packineau moved for approval for Jerry Irwin to take over the payments of a trailer home located at Dakota Drive for \$57,000.00 with a 5 year repayment plan. The motion is seconded by Councilman Eagle.

Discussion: Jerry is to talk to Richard White Tail, Utilities if they can move the trailer to his lot in Lucky Mound.

VOTE: 6 Ayes 0 Nays Motion carried.

**3. Mud Run Financial Request: Carmen Halvorson**

Councilman Packineau moved to approve of a grant in the amount of \$750.00 for Carmen Halvorson for the August 2010 Mud Run. The motion is seconded by Councilwoman Brugh.

VOTE: 6 Ayes 0 Nays Motion carried.

**4. Rodeo Request: Delvin Foote/Shayne Gunderson**

This was not presented.

**5. Valerie Hosie Trailer Loan: Gloria Fast Dog**

Councilman Eagle moved to approve of a trailer home loan in the amount of \$40,000.00 and moving expenses in the amount of \$5,000.00. The total of the loan is \$45,000.00. The payment is to be \$819.00 per month for 5 years for 60 Months at 9 % interest. The IIM account to be the collateral. The deed to the trailer must be brought into the Small Loans Department. The motion is seconded by Councilman Packineau.

Discussion: There is I.H.S. trailer homes at the cost of \$26,000.00 that may be more affordable for her. The CEO is to research something that maybe more affordable for her. This is one of Councilman Eagle's add-ons to the agenda.

VOTE: 5 Ayes 1 Nays Motion carried.

**6. Oil and Gas Issues: Carmen Eagle/Wilbur Wilkinson**

Wilbur Wilkinson will meet with the B.I.A. Superintendant and then the Economic Development Committee to keep on top of this issue of allottees not getting their money. A letter will be drafted by Terry Red Fox regarding the allottee issue and

that there is only one solicitor looking at it; the Tribal Business Council wants an explanation of what they (Hunt & Beamer) are going to do. They Jeff Hunt, Area Director and BLM are requested to attend the next Tribal Business Council meeting on September 16, 2010.

**7. MHA Times & KMHA Radio Station: Clarence Sun (Closed Session)**

Addressed

**8. Resolution 10-097-SE: Drawdown 2.1 Million**

Councilman Strahs moved to approve of a resolution entitled, "Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL 28700 in the Amount of \$2,100,000.00." The motion is seconded by Councilman Benson.

VOTE: 5 Ayes 0 Nays Motion carried.

**9. Resolution 10-098-SE: White Shield Sewer Line Replacement**

Councilman Eagle moved to approve of a resolution entitled, "Authorization for Execution of Grant Documents for White Shield Sewer Line Replacement of Agriculture." The motion is seconded by Councilman Strahs.

VOTE: 5 Ayes 0 Nays Motion carried.

**10. Resolution: Fox Bank Charter and Memo: Daylon Spotted Bear**

This will be investigated further and brought back the Full Tribal Business Council.

**11. Horse Shoe Tournament: Barlow Wells**

Councilman Packineau moved for approval of a grant in the amount of \$1,000.00 for a Horseshoe Tournament to be held August 14, 2010 in conjunction with the 2010 Little Shell Pow-Wow. The motion is seconded by Councilman Eagle.

VOTE: 7 Ayes 0 Nays Motion carried.

**XI. OLD BUSINESS:**

**A. Electronic Voting Machines: Ramona Two Shields**

This was not addressed.

**B. Resolution: Chaplaincy Program: Elise Packineau**

This was not addressed.

**C. War on Diabetes Golf Tournament: Paul Danks**

Councilman Packineau moved to approve of a grant for the War on Diabetes Golf Tournament in the amount of \$1,000.00. The motion is seconded by Councilman Benson.

VOTE: 7 Ayes 0 Nays Motion carried.



**XII. ADJOURNMENT:**

Councilwoman Brugh moved to adjourn the meeting, seconded by Councilman Strahs.

The meeting adjourned at 8:50 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 Regular Meeting thereof duly called, notice, convened and held on the 6<sup>th</sup> day of August, 2010; 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 (X) Voting    ( ) Not Voting

Dated this 12<sup>th</sup> day of October, 2010.

**ATTEST:**

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

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