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**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING 11-014-TGH
August 11, 2011, 10:00 A.M.**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:48 A.M.

PRAYER:

Councilwoman V. Judy Brugh gave the invocation.

ADJOURNMENT:

Councilwoman V. Judy Brugh moved to adjourn the 7-14-11 meeting. The meeting adjourned at 11:49 A.M. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes Motion carried.

ROLL CALL:

Present: Chairman Tex G. Hall, Councilman Frank Whitecalfe, Councilman Scott Eagle, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh. A quorum is established. Absent: Councilman Barry Benson and Councilman Arnold Strahs.

01. APPROVAL OF AGENDA:

Add-ons:

Chairman Hall:

Little Shell Pow wow

Councilman Whitecalfe:

White Shield Community Request

Adnan Aldon-Bank Proposal

Councilman Packineau:

Dorothy Packineau Financial Request

Councilman Eagle:

EDA Grant

Councilwoman Brugh:

Water and Sewer Concerns

Councilwoman Brugh moved to approve of the amended agenda. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes Motion carried.

02. Approval of Minutes

Councilman Whitecalfe moved to approve of the July 14, 2011 minutes with corrections. The motion is seconded by Councilwoman Brugh.

Discussion: The Environmental code, EPA Air Permit, and Slawson are discussed. The Three Affiliated Tribes Lawyer, John Fredericks is to get the information gathered for the chairman's meeting with Slawson on the minor source rule. A consultation resolution will need to be drawn up regarding the proximity of oil wells to buildings like the Health Facility. It should be at least a half mile or mile.

VOTE: 5 Ayes Motion carried.

03. Chairman's Report National BIA Budget: Tex Hall

The battle ground for the BIA cuts will be with the Debt Committee which is made up of six Democrats and six Republicans. Senator Max Baucus is the tribes affiliate. The Crow Agency Executive Secretary, Scott Russell invited the Three Affiliated Tribes Tribal Business Council to the Montana-Wyoming Tribal Leaders meeting on Tuesday, August 16, 2011 during Crow Fair. Senators Baucus and Tester will be there. We need to talk to Senator Baucus about doing a resolution to exempt BIA and I.H.S budgets. Also budgets that coincide with things like BLM or anything to do with Environmental so that anything to do with affecting our oil production. It should be treated like Medicaid, Medicare, and Social Security entitlement funds. John Fredericks or Jennifer Fyten to do a draft resolution on the anything that will be affected by the cuts that pertain to BIA, I.H.S., EPA, BLM, Bureau of Reclamations, or anything else that affect Indian tribes.

04. MHA Nations Clean Fuels Refinery

For the historical record, the U.S. Environmental Protection Agency has issued the final NPDES permit (#MD-0030988) for the Mandan Hidatsa Arikara Nation Clean Fuels Refinery. The permit says in a nut shell, "is authorized to discharge from the treated wastewater facility located in the Northwest corridor of Section 19, Township 152 N, Range 87, Ft. Berthold Indian Reservation, Ward County North Dakota into a tributary of the East Fork of Shell Creek. The permit becomes effective October 1, 2011 and expires at midnight on September 30, 2016. This is signed and dated August 4, 2011 by Steven Tubor, Assistant Regional Administrator.

Richard Mayer, TAT CEO- Richard will take the lead on the refinery project. He has met with Enbridge Pipeline and they will build a 6.2 mile pipeline from Plaza, North Dakota to the MHA refinery. There will be further negotiations because they want to build depot sites to have trucks unload oil back into their pipeline. Their pipeline will be input and through put. They will establish two 15 barrel tanks there which they assured us will give us a 15 barrel a day feed stock. This will be at no cost to us. Eventually we want to charge a user fee per gallon for people who want to unload their oil. The terms of the least will be looked at for 15 acres. Other opportunities are being looked at. We are working with Arctic Region Corp. They have two refineries. We are negotiating on a non-disclosure agreement with them. Then we would like to work on a partnership agreement to have them come in and look at the

refinery opportunities for us from their perspective, they have a working model. A resolution is to be presented.

NOTE: When the feed stock is coming through the pipeline, if the tribe owns crude; why would we have to pay cash for our own crude? It should almost be like a paper accounting credit. It should be a paper trail, refined, and then sold.

05. Slawson Distance of Oil Well from the New Healthcare Clinic: Scott Eagle
Councilman Eagle moves for approval to send a letter to Slawson Oil Company to work on a solution regarding the emissions from the oil well. The motion is seconded by Councilwoman Brugh.

Discussion: If Slawson has 12/80 spacing, they should be able to move it away in that area. The Baker family must be informed. The lateral on a 12/80 is about a 10,000 ft. horizontal. They can go quite a ways back in these two miles. Cancer is a future concern for our people and the healthcare professionals that will be living in that area. The further an oil well is away from where people live, the better off they are.

VOTE: 5 Ayes Motion carried.

06. Jack Sawyer Roads Contract & Budget Approval

Councilwoman Brugh moved for approval of a Roads contract with Jack Sawyer in the amount of \$1,032,500.00 and to include a payment for work on Mandaree Route 12 (Ridge Road to Pow-wow grounds) in the amount of \$89,000.00. Both amounts are to be reimbursed back through the Shakopee Infrastructure Development Loan. A Mobilization payment to Jack Sawyer in the amount of \$250,000.00 is to be made immediately. The motion is seconded by Councilman Eagle.

Discussion: The contract is for paving, overlay, and asphalt on Mandaree Route 12 and Four Bears Route 2 (Doyle Bell the Roads Director is to do an amendment to the contract to include Route 2). This is part of the nine priorities identified at the Task Force meeting. White Shield needs gravel identified and included in the Roads Budget. Jack Sawyer paving needs to be up to specs before a check can be signed off. A time schedule needs to be followed to be prepared in time for winter. Dennis Fox, Programs Analyst will work with the Roads Department to identify someone to monitor and sign off on the work.

VOTE: 5 Ayes Motion carried.

07. Priority Roads Budget

Councilman Whitecalfe moved to approve the Tribal Priority Roads budget for approximately \$8.5 Million this is to include gravel for maintenance of the White Shield roads. The motion is seconded by Councilman Eagle.

Discussion: Williams Oil Company mentioned at a roads meeting they have \$1 million available and possibly \$2 million more. Dennis Fox, Programs Analyst is to work with Doyle Bell, Roads Director and get a budget breakdown for the expense and income side of this \$8.5 million. Route 14 will be the next road to be fixed which was part of the nine identified in the Task Force meeting.

VOTE: 5 Ayes Motion carried.

08. Little Shell Pow-wow Shortfall

Councilman Eagle moved for approval for the Little Shell Pow Wow's shortfall of \$10,000.00 to come half from the Four Bears Casino in the amount of \$5,000.00 and the other half to come from North Segment Budget in the amount of \$5,000.00. The motion is seconded by Councilman Packineau.

Discussion: Chairman Hall will fundraise if the casino cannot help.

VOTE: 5 Ayes Motion carried.

09. Amendment to a Resolution: Motor Vehicle Codes-Vehicles: Jen Fyten, Legal Department

Councilman Whitecalfe moved to approve of the resolution that adopts the motor vehicle code as it relates to non-members under civil jurisdiction and to exercise the sovereignty of the tribe. The motion is seconded by Councilman Packineau.

Discussion: Banishment is suggested by Elder Gail Baker. Whitecalfe suggests that after 3 offenses, there will be banishment. The reading period of 30 days will be waived. Jennifer Fyten will make the amended change to the resolution to say that it will be effective immediately as soon as its past. The amendment to the resolution is concurred by both the maker and second to the motion.

VOTE: 5 Ayes Motion carried.

10. Amendment to Resolution 11-066-VJB: Health Board Members to Include Tribal Health Director

Councilman Whitecalfe moved for approval to Amend 11-066-VJB to include the Tribal Health Director. The motion is seconded by Councilman Packineau.

Discussion: The Tribal Health CEO and Tribal health Director sit on the board as non-voting members. The go to person is needed once the TBC is out of the way. Under the charter article 9 says: The board of directors is to report to Tribal Business Council quarterly or more frequently if requested by Chairman or Council. The Tribal Health CEO will report directly to the Tribal Business Council monthly.

VOTE: 5 Ayes Motion carried.

11. Tribal Health Board Members Approval

Councilman Eagle moved to approve the eleven Tribal Health Board members with two exo-fissio members. The motion is seconded by Councilman Eagle.

Discussion: 1. Dr. Byron Baker 2. Dr. Linda Gourneau 3. Jim Foote 4. Susan Fredericks 5. Cheryl Bruce 6. Madonna Azure 7. Dr. Thomas Walker 8. Alyce Spotted Bear 9. Hugh Baker 10. Dawn Berg 11. Deb Thompson 12. Dr. Mike LeBeau 13. Dr. Monica Mayer. The board is allowed three excused absences.

VOTE: 5 Ayes Motion carried.

12. Twin Buttes Elders Organization for Reservation Wide Elder Insurance: Diana Tomlin, Dennis Huber, Judy Fredericks 2:17

Medical Part A is what is in question. They have to be signed up for it but if their spouse worked, and then they can draw off of that. Rhonda Hamilton was spoken to and she said it wouldn't affect funding. An opinion from Carla is requested by Diana Tomlin. The treasurer suggests that all bases need to be covered. Don Berg needs to be visited. Is co-pay needed? It is funded by the square footage of the facility. This is a separate benefit. Just supplemental. We get funded on user population. If 574 elders use, are they thinking that we will lose our funding? It should not affect the Tribes funding. Square footage is how funding is figured. So if the new Clinic has more square footage than the funding should go up. We have to know who is not on Medicare now. Some are covered on Medicaid. The supplemental.... Leg work is needed to make sure everyone is signed up. A job will be created to make sure the elders are signed up. This is to include Deb Thompson, Tara Williams, and Don Berg as the sign-up team.

13. Sally White Elder Housing

This will be followed up by H.I.P., Lawrence Baker.

14. Gail Baker Elder Home Repairs

Councilwoman Brugh moved for approval for the H.I.P budget to receive \$50,000.00 for repairs to the Gail Baker residence. The motion is seconded by Councilman Eagle.

Discussion: The basement demo, replacement, and relocation costs are included in this amount.

VOTE: 5 Ayes Motion carried.

15. Resolution 11-081-VJB: FY 2012 Community Block Grant: Norma Staples

Councilman Whitecalfe moved to approve of a resolution entitled, "Authorization of FY 2012 Community Services Block Grant Application

Submission to the Office of Community Services, U.S. Dept. of Health and Human Services.” The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes Motion carried.

16. Three Trailer Lots on Dakota Drive: Lawrence Baker, HIP

Councilman Eagle moved to approve of the purchase of three lots on Dakota Drive for \$4,000.00 each; the grand total will be \$12,000.00. The motion is seconded by Councilwoman Brugh.

Discussion: The idea is to put FEMA trailers in that spot. It is annexed in. Councilman Eagle doesn't believe it is annexed in but was hooked into the water but not the sewer system (Olson Addition).

VOTE: 5 Ayes Motion carried.

17. FEMA Trailers for Evelyn Klimpel, Sharon Hand, and Josie Dancing Bull

Councilman Eagle moved to approve three Individuals to receive a FEMA trailer. Evelyn Klimpel a Minot flood home owner will receive a trailer. She will live in it while her home is being renovated. Evelyn's trailer will be placed in Garrison, ND. Sharon Hand will receive a trailer to replace her current trailer which will be flipped on the lot to make room for another trailer lot for Josie Dancing Bull. Josie Dancing Bull will receive a FEMA trailer. The motion is seconded by Councilman Whitecalfe.

Discussion: There is a lengthy discussion on the current FEMA trailer list. The pros and cons of following the list are put forth. The original list is not being followed. It is suggested to go back to dividing up the trailers per segment. Chairman Hall said in 2012 a location for a trailer park needs to be prioritized with infrastructure and everything included. It is suggested to get past the original list and then let the Tribal Housing Program handle the list from there on.

VOTE: 3 Ayes 0 Nays 2 Abstentions Motion carried.

18. Perkins and Lovan Homes Moved

Councilman Eagle moved for approval for the Housing Improvement Program to move two units. 1. A Walking Shield home in White Shield (Perkins) for \$8,975.00 and 2. Ben Lovan's home to Paul White Owl's in Mandaree for \$11,875.00. The moving company utilized will be O'Neil Movers. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes 0 Motion carried.

19. Down Payment Assistance Program: Lawrence Baker, HIP Director

Councilman Brugh moved to approve the Tribal Housing Down Payment Assistance Program. The motion is seconded by Councilman Packineau.

Discussion: Clarification is this is not the same funding program as the Northern lights homes.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.

20. Jake Myrick and Donessa Simpson Awarded FEMA Trailers

Councilman Packineau moved for approval for Jake Myrick and Donessa Simpson to receive a FEMA Trailer each. The two trailers are to be placed in the two designated spots in Parshall trailer park. This is to be paid by the FEMA trailer budget. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes Motion carried.

21. I.H.S. Sewer/Water Issue in Thunder Butte Holding Tanks

Discussion: Holding Tanks are suggested as a temporary solution by I.H.S. to fix the current situation in Thunder Butte. There are people living out there with no Sewer or water. These homes were from the 10 displaced families in North Segment. The process of a lagoon is still wanted because of the other projects in the same area. The soils are not suitable for sewer systems so a lagoon is what is wanted. The plan or idea is to use Tribal Dollars but the I.H.S design for infrastructure. Lisa Redford, Grants & Planning and Lawrence Baker, H.I.P. are to set up a meeting with USDA and Jasper Snyder to come up with a plan or suggestion on how to get the situation solved.

22. General Fund Draft

Discussion: Priorities are to be identified so the CFO can present the draft General Fund to the Tribal Business Council in September 2011.

23. Resolution 11-082-VJB: HIP Budget Modification

Councilman Packineau moved to approve of a resolution entitled, "Housing Improvement Program Budget Modification." The motion is seconded by Councilman Whitecalfe.

Discussion: Three quotes are to be obtained to make the vehicle purchase.

VOTE: 5 Ayes Motion carried.

24. Arrow Pipeline: Eddie Guiser 4:00

Councilman Eagle moved for approval to transfer the rights-of-way from Arrow Midstream Holding to Arrow LLC. The motion is seconded by Councilman Packineau.

Discussion: No notice of default was submitted to the tribe. Answer from the Tribe is wanted if they are still wanted to be in ownership of the pipeline. If the transfer of the right of way is moved over, then Tex is in support of it. (28.5% versus 48% ownership is the difference in Value).

VOTE: 5 Ayes Motion carried.

NOTE: Time needs to be given to the Tribe to make a decision on the ownership.

25. Ownership of Arrow Pipeline: Eddie Gusier 4:

A meeting needs to be set up for Arrow Pipeline to explain to the TBC.

A working session will be scheduled to address the payment/ownership question.

The tribe needs to see what kind of money is being generated. This is to be included as part of the presentation.

Tall Salt comments-For this process due Diligence and to look into the reasonableness for the Wind Air.

(A recess will be called at 4:45 P.M. by Chairman Hall to take down his father's flag at the Little Shell pow wow)

(The meeting was called back to order at 5:46 P.M.)

Amendment (5:48) The right of way will be guaranteed. Option B- less royalty
Option A-payment will be due but the tribe will have a bigger royalty. The capital call will be around \$3 million between now and next year. 5:53 When do... 5:55 when is the investment completely coming back? 5:57 Packineau asks if it is perpetual? John Fredericks comments. Net revenue is questioned by John Fredericks 5:59. Under option B- the debt would not be going down clarification by John Fredericks. The net revenue 6:01. There has never been a board meeting called. Someone from this council needs to be appointed along with Councilwoman Brugh since Malcolm Wolf is no longer on the council. This will clarify to Arrow Pipeline who they would need to go to. There is a grace period of 10 business Days before this is considered a default. August 29, 2011 at financials, rights of ways, and contracts. And what the capitol calls will be for the next two years. We have the intercompany agreements and (6:10) We do not have under confidentiality, this is what the council wants. This is why we can't do due diligence.

Board Amendment

Councilman Eagle moved for approval to appoint Councilman Mervin Packineau and Councilman Whitecalfe to the Arrow Pipeline advisory board and as a contact people for Arrow Pipeline.

Discussion: Amend motion to put Whitecalfe on the board. Eddie Gusier is to work with TAT Legal to present a document with the board changes.

VOTE: 3 Ayes 0 Nays 2 Abstentions Motion carried.

August 25, 2011 will be the meeting with Arrow Pipeline to pick the option.
1:00 P.M.

26. Casino Expansion RFP: Pat Packineau/Lloyd Vigen 6:22

The first phase is design building. Jeff Manning went back and forth and had some revisions to the contract. How many more employees are needed? Will we lose money if we don't have the employees? Other casinos have expanded. Competition with other tribes is going to begin. Raising wages will need to be implemented to keep employees. NIGC will need to give approval. The old rooms are discussed to demolish or to use for employee apartments. To keep it for rooms right now. Lack of people to work is the issue. The wages need to be more comparable to other entities. Damon Williams-6:33. Speaking on Silverstate. 6% is what is on the table for financing (6:37 Lloyd). \$1 million is what the casino will fund for the first payment. A design will be set in place. 90 days gives a grace period. Eagle-6:38.

First phase is what needed action is on. 6:40 \$648,000.00 is the roughly 6% of the design phase. It is covered in the RFP. Tax credits are being looked at. A generator is needed and will try to get this included. New Market Tax-Tex sits on that board. Leverage there may found to get the generator. (816)204-0733 Phil Glin (for Pat to contact). The TERO fee didn't get waived yet.

Councilman moved for approval to move forward with the 90 days to seek funding for phase one on the casino expansion.

27. Four Bears Casino Report: Pat Packineau/Scott Wilson 6:51

May 2011 Report: 5 sites for cabins lay out. The locations were to be on the west side. Allen found the best place to be is on the east side because of the water system. This was a concern because the people are saying that this was the best primitive area for camping. They are located one on west side by roping arena and five on the east side in close proximity. As long as you meet with the Antelope society for the pow wow. Jeff Fox knew about the cabin location and didn't say anything against it. Casino revenue is up. Non gaming revenue is up from last year. Gross revenue is compared to last year. Cost of sales has increased. Total revenue was up by \$1,056,310.95. A dollar increase is given to employees. See report for increase amounts. Players cash in the marketing line was knocked out of there. Another mtg. with the IRS is in two weeks. A retreat was held. Some of the issues in Cache restaurant, he brought in workers that he had access to. Last year he brought in summer Interns. This year he brought in some Mexican workers. Have background checks been done? The border patrol has been around. Councilwoman Brugh

asks for a copy of the checks issued to the community. The last was collected in January 2011.

Councilwoman Brugh moved to approve of the third quarter report for the Four Bears Casino and Lodge. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes Motion carried.

28.Elbowoods Healthcare Facility Report: 7:22

S.E.H. Proposal the total cost would be \$875,000. \$600,000 is for infrastructure. Dennis Fox explains the process on..

The tribe still owes over \$300,000 thousand to the ambulance service.

Payments are being made on the service. An ambulance is being looked into.

The bill will need to be resolved. The grand opening is set for October 1st 2011.

The short fall will be \$205. There is about \$6 million as priority. The

Shakopee Tribe \$135,000 for inspector. 7:34 Programs analyst explains the

shortfall. CFO Whitney Bell steps into the meeting to assist with the

financials. The bid price 7:39 differences are discussed. Page 78. The

contingency not included. 7:42. How about two hundred thousand? This is

only the phase one. The sed

Councilman Whitecalfe moved to approve of \$ Two hundred thousand to be obligated for the first phase on the Elbowoods Healthcare Facility. The motion is seconded by Councilman Packineau.

VOTE: 5 Ayes Motion carried.

Whitecalfe Low bid from Marion Con1,483, The motion is seconded by Councilman Packineau.

Discussion: The approach needs to be built. An invoice to be submitted periodically. He will have to have a construction schedule.

VOTE: 5 Ayes Motion carried.

29.Dr. Walker: 7:19

30.Resolution 11-083-VJB: Casino Expansion 7:48

Councilman Whitecalfe moved to approve seconded by Councilman Eagle.

Discussion: This was checked out by Pat and Lloyd.

VOTE: 5 Ayes Motion carried.

31. Resolution 11-084-VJB BIA Technical Assistance Grant: Lisa Redford

Councilman Whitecalfe moved to approve of a resolution entitled, "Authorization for the /three Affiliated Tribes to apply for Technical Assistance Funding for Fiscal Year 2012, from the Native American Business Development Institute and the Office of Indian Energy and Economic Development (IEED)." The motion is seconded by Councilwoman Brugh.

Discussion: This is different then what Lisa Redford's discussion were with Patty Marks and Ann Jennings because there was already some other things in motion through Councilman Eagle's office. The Planning and Grant's Department picked it up from there to make sure that something was coming in. Patty Marks discussed with Lisa; if it were not the same, then it is along the same lines and there maybe another opportunity within 90 days.

VOTE: 5 Ayes Motion carried.

32. Sex Offender WEB Site Contract: Lisa Redford

Councilman Whitecalfe moved for approval for a WEB site contract with Law ETECH for sex offender technical support in the amount of a \$9,500.00. This will be paid with a grant. The additional cost would be a \$50.00 fee every month to be put under the Law Enforcements budget. The motion is seconded by Councilman Packineau.

Discussion: A copy of the contract will need to be delivered to each councilman and the secretary's office.

VOTE: 5 Ayes Motion carried.

33. Parshall Indian Community Development Project Shortfall: Lisa Redford

Councilman Whitecalfe moved for approve of a \$408,306.00 for the CDBG Block Grant for the Parshall Indian Community Development Program Project. The motion is seconded by Councilman Packineau.

Discussion: The Tribe is contributing \$225,000.00 out of the \$1 million, which the Tribe is actually funding six hundred and some thousand dollars. The Tribe had to write a letter of commitment that they would pick up anything over the bid amount in order to get the award. Then on the finance statement, it reads that the Tribe has \$2,000,595.00. We know this is actually Tribal funds that are on the finance statement. MBA out of Williston is the bidder; originally they came from Blackfeet Idaho. The Executive Secretary's office is requesting a copy for their records.

34. Adnon Aldon 8:03

Councilman Whitecalfe move for approval for the tribe is committing \$225,000 for... The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes Motion carried.

35. Proposal for the Establishment of a Bank on the Three Affiliated Tribes Reservation: Adnon Aldon & Mike Seltvedt

Discussion is on the proposal for the establishment of a bank on the Three Affiliated Tribes Reservation. The Economic Development Committee is to look at this. They are to make contact information available for Robin Covash he will be here tomorrow at 9:00 A.M. from Denver and he is the Indian Bank Expert. They will be here tomorrow for a meeting with the TAT Lawyer.

36. EPA Air Permit: Wilbur Wilkinson

Wilbur Wilkinson informed the Tribal Business Council that a decision was made today, that will affect everyone. The EPA is requiring oil companies to have an EPA Air Permit effective August 30, 2011. They met in Denver, Co today. This may end oil and gas development on Ft. Berthold.

37.8:34 Minor Source Rule

A letter is read by Chairman Hall that explains what the affects are to the Tribe. Extend the Councilman Whitecalfe moved to approve . The motion is seconded by Councilman Packineau.

Discussion: This was discussed a year ago. The assumption was that they were going to make some modifications to this rule. They don't have a model permit. EPA doesn't have one even drafted. There is no time to assist them in addressing this issue. Under the transition policy 8:40. The permits are due August 30th. The process to get an application and the deadline conflict with each other. There are 130 permits pending in the BIA. A one year extension is requested by The chairman and there has been no response. Did they give us a reason why they are doing this? It came out of nowhere. We should get Joan Gay/chase to set up a meeting with the administrator. Fred Fox to coordinate a meeting with the senators here as soon as possible.

VOTE: 5 Ayes Motion carried. 8:47 ending.

38. Sprinkler System Quotes: Stella Berquist 8:47

\$20,150.00 Labor is \$48,750. In a year all KDU will be required to have one. If this is not corrected by November then they lose CMS system

Councilman Packineau moved to approve of price in the amount of \$20,150.00 and the labor in the amount of \$48,750.00 to SymplexGrinnell. The motion is seconded by Councilwoman Brugh.

Discussion: 8:53

VOTE: 5 Ayes Motion carried.

39. 8:55 Ruth Ann Buffalo Financial Request

Councilman Whitecalfe moved to approve a relocation Personal loan request in the amount of \$4,100.00 to move to Lawrence Kansas for school/Research for a masters degree in Public Health. The motion is seconded by Councilman Brugh.

Discussion: Thanks goes to Ruth Ann for her work on the summer youth program.

VOTE: 5 Ayes Motion carried.

40. Personal Loan Request for Donavon Knight: Heath Knight 9:04

Councilman Eagle moved to approve a loan in the amount of \$4,500.00 subject to the small loans policy and procedures. Heath Knight is to co-sign. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes Motion carried.

41. Resolution 11-085-VJB Tall Salt: Steve Gunderson/Fred Fox 9:07

Product one-\$20,000 probably 15. On page 14 for the ongoing services. Broken down for services on the left hand side. The assumptions are on the bottom of page 16. It would be about \$125,000 for one year.

This approves the completion of the whole project.

Councilman Eagle moves to approve of a resolution entitled, “. ” The motion is seconded by Councilman Packineau.

Discussion: We are to be watching out for allottees and Councilman Eagle feels this will help.

VOTE: 5 Ayes Motion carried.

42. 9:25 Drags Wolf Well Proposal by Dakota 3: Fred Fox

What is this thing producing? 100 units per spacing...This is in the Four Bears area. This would be of interest for the Tribe to purchase. They are trying to recapture their tangible and intangible costs. This is to own 100%. It is producing 280 barrels per month. This would be to drill a new well in the Bakken. Fred Fox will check into this further and bring back to the next Tribal Business Council meeting.

43. Resolution 11-086-VJB Enrollment: John Charging 9:32

Councilman moved to approve of a resolution entitled, “. ’ MP Brugh

Discussion: 12,538 enrolled members.

VOTE:

- 44. Resolution 11-087-VJB Carl Russell Jerome Relinquishment**
WC Brugh what is the policy. They cannot be dually enrolled if they excepted funds. 5-0
- 45. Resolution 11-088-VJB Dustin Hall Wilkinson Conditional Relinquishment 9:38**
/WC 5-0
- 46. Resolution 11-089-VJB Name Change of Board to MHA CJ Russel Board Appointment: Dave Williams 9:41**
MP Eagle 5-0
- 47. Resolution 11-090-VJB: Letter for Signature: Dave Williams 9:44**
Councilman Eagle moved for approval for 500,000 for allocations for Missouri River Resources LLC. The motion failed due to lack of a second.

Councilman Eagle moved to approve the \$549,328 . The motion is seconded by Councilman Packineau.

Discussion: Has the money already been paid. As soon as he signs in the morning. This won't affect the \$17,000 that is already There? No.

VOTE: 5 Ayes Motion carried.
- 48. Evelyn Klimpel Flood Loan Request: Whitney Bell, CFO**
She did receive \$30,000 from FEMA. She will use this as a down payment on her new condo; the Tribe would have some equity in this mortgage if a tribal loan is made. Collateral and the ability to pay need to be researched. The existing mortgage is \$66,000.00 on her Minot home. Evelyn was also awarded a FEMA Trailer which she will need to make the moving and skirting fee payments. This will be worked out through the CFO for different options and brought back.
- 49. Small Loans: Whitney Bell, CFO**
Councilman Whitecalfe moved to approve of the small loans list. (7. is approved pending on medical documentation) (8. is approved for \$3,700.00[\$5,000-\$1,300] refinanced). The motion is amended to include 12. on the list for \$5,000.00. for their home. The motion is seconded by Councilman Packineau.

VOTE: 4 Ayes 0 Nays 1 Abstention Motion carried.
- 50. Resolution 11-091-VJB to approve the S & L Construction**
Councilwoman Brugh moved to approve of a resolution entitled, "approval of Contracts with S & L Construction to complete construction of Seven Houses

in the Four Bears Segment and Mandaree Segment.” The motion is seconded by Councilman Eagle.

Discussion: This falls under the Shakopee loan project development priority list identified in the Task Force meeting. Councilman Packineau clarifies that any new construction of the rest of the 210 homes will not need a resolution for each construction contract, a resolution already exists.

VOTE: 5 Ayes Motion carried.

51. Tribal Financial Advisors Settlement: Whitney Bell, CFO

Councilman Packineau moved to approve to pay settlement invoices in the amount of \$25,101.72 to the Tribal Financial Advisors. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes Motion carried.

52. 2010 Single Audit Report: Whitney Bell, CFO

The Audit was completed on time by June 30, 2011. A letter from the BIA is requested acknowledging the completion and the tribe is not under any sanctions for future funding. The Audit can be looked up on the Harvester WEB site on the internet. A retreat is to be set up in September in Bismarck, ND for the TBC to go over financials.

53. Concerns on Electricity Hook ups for McKenzie County

An option may be for the home buyers to incorporate the electricity hook ups into the mortgage costs. Monday, August 15, 2011 will be a meeting with McKenzie Electric.

54. General Fund Expense Report: Whitney Bell, CFO

A hand out is given to the Tribal Business Council for their revue.

55. IRS Update: Whitney Bell, CFO

The IRS in Mid-June requested information which the finance department provided. Chairman Hall requested sovereignty of the tribe be followed. A policy showing what is culturally exempt needs to be written to show the IRS.

56. Resolution 11-092-VJB Contract for Jacobson Buffalo Law Firm: Mark Fox, Tax Commission Director

Councilman Packineau moved to approve of a resolution entitled, “Approval of Legal Counsel Engagement Letter for Three Affiliated Tribes Tribal Tax Department: Jacobson, Buffalo, Magnuson, Anderson, & Hogen, PC, 335 Atrium Office Building, 1295 Bandana Boulevard, St. Paul, Minnesota 55108.” The motion is seconded by Councilman Eagle.

Discussion: This is for tax code development and lingering tax issues. This is a preliminary contract, if it goes to in-depth, the Tax Commission Director may bring it back and adjust it.

VOTE: 5 Ayes Motion carried.

57. Resolution 11-093-VJB Red Sage Organization: Mark Fox

Councilman Eagle moved to approve of a resolution entitled, "Grant Approval to the Red Sage Organization." The motion is seconded by Councilman Packineau.

Discussion:

VOTE: 5 Ayes Motion carried.

58. Four Bears Trailer Park: 10:52

Councilwoman Brugh moved to approve to assist Basil and Danette Hunts Along with a FEMA Trailer each in their respective segments. The motion is seconded by Councilman Whitecalfe.

Discussion: These are things that Councilwoman Brugh wants stitched up before winter.

VOTE: 5 Ayes Motion carried.

59. Solid Waste remediation code: Dennis Fox 11:00

Councilman Packineau moved for approval on the second reading on the solid waste code. The motion is seconded by Councilwoman Brugh.

Discussion:

VOTE: 5 Ayes Motion carried.

60. MIS Code Violation: Dennis Fox 11:01

The Programs Analyst is recommending termination of the contract of White Headed Eagle contract. Items 7 through 10 appear to be politically motivated. Policy and procedures need to be followed. Dennis Fox will reword the memo letter so that the policy.

61. Employee evaluations: 11:19

Executive Order-30 day appointments this from HR and the Chairman's office. Clarification was the committee Chairman and the TAT Chairman were to sign. This is HR department's audit finding maybe.

62. Maintenance Director: Richard Mayer, CEO 11:25

63. Resolution 11-094-VJB 11:26

64. Resolution 11_095-VJB 638 Contract WC MP 5-0

65. Federal Programs Resolution 11-096-VJB WC Eagle 5-0

66. Resolution 11-097-VJB ICWA: WC MP 5-0

67. Resolution 11-098-VJB recontract BIA Brugh WC 5-0

68. Resolution 11-099-VJB Recontract BIA WC MP These are mature contracts that we have had for awhile. 5-0

69. War on Diabetes Golf Tournament: Richard Mayer 10:32

Councilman Eagle moved to approve \$2,500.00 grant for Paul Danks for the War on Diabetes golf Tournament to be held in conjunction with the Little Shell Pow Wow. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes Motion carried.

70. Lawn Mower for Each Segments: 11:34

MP Brugh moved to approve \$28,000.00 for mowers in each segment. 5-0
Discussion: Amended to include mowers for all the segments.

71. Compensate for the MHA Systems: Richard Mayer 11:40

As long as policy and procedures are followed. There are no objections.

72. Katherine Young Bear Housing: Kyle Mandan

Councilman Eagle moved to approve the request for a grant of \$840.00 for an outhouse for Katherine Young Bear. The check will be made out to the vendor, Big Johns Toilets in Williston North Dakota. The motion is seconded by Councilman Whitecalfe.

VOTE: 5 Ayes Motion carried.

73. Relocation Request: Kyle Mandan

Councilman Eagle moved to approve of a relocation grant in the amount \$500.00 for Kyle Mandan. The motion is seconded by Councilman Packineau.

Discussion: Kyle is to look into a lot and FEMA trailer in Mandaree.

VOTE: 5 Ayes Motion carried.

74. Adjournment:

Councilman Packineau moved to adjourn the meeting. The motion is seconded by Councilman Eagle.

VOTE: 5 Ayes Motion carried.

The meeting adjourned at 11:50 P.M.

I. APPROVAL OF MINUTES:

II. CHAIRMAN'S REPORT: Tex G. Hall

- A. National BIA Budget**
- B. MHA Nations Clear Fuels Refinery**
- C. Roads Contract & Budget Approval**
- D. Traffic Codes**
- E. TERO Licenses & Codes-Vehicles**

III. UNFINISHED BUSINESS:

- A. Diana Tomlin, Dennis Huber, Judy Fredericks: Elders Insurance**
- B. Mary Schoppert: SL Construction**
- C. Sally White: Elder Housing**
- D. Norma Staples: Resolution FY 2012 Community Block Grant**
- E. Eddie Guiser: Arrow Pipeline**
- F. Evelyn Klimpel: Flood Request**
- G. Pat Packineau: Casino Expansion RFP**
- H. Fred Fox & Steve Gunderson: Tall Salt & Dragswolf Well**
- I. Fred Fox: Williams Lease**
- J. Fred Fox: Power Point BIA Status Report**
- K. Karen Smith: Loan Clarification**
- L. Wayne Hunter: Cemetery Upkeep**
- M. Richard Hall: Cumulus Consulting**
- N. John Charging: Enrollment**
- O. Rose Crows Flies High: Personnel**
- P. Dave Williams: Missouri River Resource Board Approval**
- Q. Dave Williams: Red Willow Allocation**
- R. Judy Black Hawk: Resolution Wellness Court**
- S. Bonnie Red Fox: Resolution ICWA**
- T. Bonnie Red Fox: Energy Development & Funding Request Resolution**
- U. Business Licenses**
- V. Leslie Morsette: Speaking Engagement Approval**
- W. Katherine Young Bear: Housing/Summer School**

IV. NEW BUSINESS:

- A. Parshall Veteran's Memorial Hall Project Budget Request**
- B. Marcus Levings: White Headed Eagle Consulting**
- C. Danny Peltier: National Youth Basketball Tournament Request**
- D. Randy Phelan: Tourism Warrior of the Plains Request**
- E. Lawrence Baker: Down Payment Assistance Policies**
- F. Lawrence Baker: O'Neil Moving Contract Agreement**
- G. Lawrence Baker: Modification #1 to HIP Contract**
- H. Martha Hunter: H.E.R.O.S**
- I. Fred Poitra: Proclamations**
- J. Ruth Ann Buffalo: CAICH/Komen Scholars Request**

K. Stella Berquist: Sprinkler System Quote for KDU

V. LEGAL:

- A. Bonnie Red Fox: Resolution Blanket Re-contracting for 638 BIA Programs**
- B. Mark Fox: Resolution Jacobson Buffalo Legal Contract for Tax Department**
- C. Mark Fox: Resolution Red Sage Support**

VI. REPORTS:

- A. Bonnie Red Fox: Federal Programs Executive Officer**
- B. Richard Mayer: Chief Executive Officer**
- C. Dennis Fox: Programs Analyst**
- D. Whitney Bell: Chief Financial Officer Report**
- E. Pat Packineau: Four Bears Casino & Lodge Report**
- F. Mariam Wolf: Gaming Commission**
- G. Jim Foote: Elbowoods Memorial Health Care Center**
- H. Val Finley: Human Resource Department**

VII. ADJOURNMENT:

