



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING 12-28-TGH  
AUGUST 09, 2012, 10:00 am.**

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**CALL TO ORDER:**

Tribal Chairman Tex G. Hall called the meeting to order at 1:30 pm.

**PRAYER:**

An opening prayer was delivered by Councilman Scott Eagle.

**ROLL CALL:**

**Members Present:** *Chairman Tex G. Hall, Councilman Arnie Strahs, Councilman Scott Eagle, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh.*

**Members Absent:** *Councilman Barry Benson and Councilman Frank Whitecalfe.*  
*A quorum was established with five members present.*

**01. APPROVAL OF AGENDA:**

Councilman Mervin Packineau moved for approval of the agenda as amended.  
Councilwoman V. Judy Brugh seconded the motion.

Meeting will end at 5:30 pm. ADD-ONS: 1. Ramona Two Shields/Karen Sitting Crow, 2. Parshall Red Hall.

VOTE: 5 Ayes. Motion carried.

**02. APPROVAL OF MINUTES:**

Councilman moved to approve the TBC Meeting Minutes of July 12, 2012 as corrected. Councilman seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**03. RESOLUTION NO, 12-086-VJB: CHOKECHERRY WELL PARTICIPATION:**

Missouri River Resources is requesting the Tribal Business Council authorize and approve a loan to MRR in the amount of \$579,281.99 to be used to pay MRR's share of the costs to drill and complete the Chokecherry Well, to be repaid from MRR share of production from the well over a term not to exceed 7 years from the date production in paying quantities commences and be evidenced by a Promissory Note executed by MRR consistent with the terms of this Resolution.

Councilman Packineau moved to approve Resolution No. 12-086-VJB entitled, "Approval of a 60 Acre Oil and Gas Lease and a Loan to Missouri River Resources (MRR) to allow MRR to participate in the Chokecherry Well." Councilman Strahs seconded the motion.

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VOTE: 5 Ayes. Motion carried unanimously.

**04. RESOLUTION NO. 12-087-VJB- THE MISSOURI RIVER , Badlands, and Sacred Sites Protection Act.**

Councilwoman Brugh moved to approve a Resolution entitled, "Missouri River and Badlands and Sacred Sites Protection Act. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

The Badlands and Missouri River areas will be classified as designated watch areas within the MOA between the North Dakota Industrial Commission and the MHA Nation and shall require well site setbacks of one half mile from the Missouri River, the Little Missouri River, and designated sacred sites or villages in the Badlands and on the Reservation.

**05. TRIBAL HIGHWAY PATROL , POLICIES & PROCEDURES:**

Councilman Packineau moved to approve the Tribal Highway Patrol's Policy and Procedure Handbook. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**06. FOUR BEARS CASINO COMPACT AMENDMENT APPROVAL:**

Councilman Strahs moved to approve the changes in the Four Bears Gaming Compact with the State of North Dakota as discussed with amendments. Councilman Eagle seconded the motion.

The Gaming Compact between the Three Affiliated Tribes and the State of North Dakota will be renewed in the upcoming North Dakota Legislative Session. The Gaming Compact will include the right of the Three Affiliated Tribes to conduct Class III gaming on the Missouri River within the exterior boundaries of the Fort Berthold Reservation.

VOTE: 5 Ayes. Motion carried unanimously.

**07. RESOLUTION NO. 12-088-VJB –RIVERBOAT CASINO MANAGER:**

Councilman Eagle moved to approve and appoint Wesley Scott Wilson as the Project Manager for the Riverboat Casino Manager. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

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**08. THREE AFFILIATED TRIBES ELECTION BOARD OATH OF OFFICE:**

Councilman Eagle moved to appoint Glenda Rush as North Segment member of the Election Board. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

***OATH OF OFFICE PLEDGE GIVEN:***

**09. SELECTION OF TAT CHAIRMAN ELECTION BOARD:**

Councilman Packineau moved to appoint Joe Myrick as the Chairman of the TAT Election Board. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**10. RESOLUTION NO. 12-089-VJB TERO BOARD APPOINTMENT:**

Councilman Packineau moved to ratify the appointment of Richard Mayer to serve as the Chairman's Representative on the TERO Commission, and that said appointment shall be for a term consistent with the term of office for the Tribal Chairman. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

**11. COLONAL CROSS:**

**12. RESOLUTION NO. 12-090-VJB - KMHA ENTERPRISES BOARD APPOINTMENT:**

Councilman Packineau moved to approve a Resolution entitled, "Approval of Councilwoman V. Judy Brugh Board Appointment of Joy Chapin to the MHA KMHA Communications Board. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

**13. CENTRAL DOOR & HARDWARE INVOICE:**

Councilman Packineau moved to approve the invoices totaling \$12,318.40 to be taken from the General Fund. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**14. PURCHASE OF AIR CONDITIONER FOR KMHA MANDAREE TOWER:**

Councilman Strahs moved to approve the purchase of an air conditioner for the KMHA Mandaree Tower. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**15. RESOLUTION NO. 12-090-VJB: GEVINGS RANCH AND ZONING:**

The estate of John H. Geving has offered certain fee property for sale to the Tribe, namely: the John H. Gevings Trust Ranch legally described as Out lot 3 in the SW1/4 of SW1/4 of Section 14 T. 152 N, R. R90 W. Mountrail County North Dakota . The purchase price for said property is \$1,850,000.00.

Councilman Packineau moved to purchase the above described property for the amount of \$1, 850,000, and 00 and ratifies all actions taken in furtherance of this real estate acquisition. Councilwoman Brugh seconded the motion.

VOTE:5 Ayes. Motion carried.

**16. RESOLUTION NO. 12-091-VJB: AUTHORIZATION OF FY-2013 COMMUNITY SERVICES BLOCK GRANT APPLICATION SUBMISSION TO THE OFFICE OF COMMUNITY SERVICES,U.S. DEPT. OF HEALTH AND HUMAN SERVICES.**

The TAT, Material Resources Department has prepared an application for a FY 2013 Community Services Block Grant which if awarded will fund two community outreach workers for the Tribe. They are submitting the application for action.

Councilman Eagle moved to approve Resolution No. 12-091-VJB as described. Councilman Strahs seconded the motion.

VOTE:5 Ayes. Motion carried.

**17. RESOLUTION NO. 12-092-VJB - AMENDMENT TO SPOTTED HAWK DEVELOPMENT LLC INDIAN MINERAL DEVELOPMENT AGREEMENT (IMDA:)**

Councilman Packineau moved to approve the amendment of the Spotted Hawk IMDA and in consideration to settle any outstanding issues, Spotted Hawk Development LLC has agreed to pay the tribe a one-time fee of \$1,000,000.00 and include four additional commitment wells to the existing IMDA requirements, and to work it out with the Chief Financial Officer Bell. Councilman Strahs seconded the motion.

VOTE: 2 Ayes, 1 Nay, 2 Abstentions. Motion passed.

**18. RESOLUTION NO. 12-093-VJB—CONSENT FOR SPOTTED HAWK DEVELOPMENT LLC’S MORTGAGE OF OIL AND GAS LEASES ON LANDS/MINERAL INTERESTS OWNED BY TAT AND/OR THE TITLE TO WHICH IS HELD IN TRUST BY THE U.S. FOR THE BENEFIT OF THE TRIBES OR SUBJECT TO FEDERAL RESTRICTIONS AGAINST ALIENATION:**

Councilman Packineau moved for approval of the Resolution as described. Councilman Eagle seconded the motion.

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VOTE: 4 Ayes, 0 Nays, 1 Abstention. Motion carried.

**19. RESOLUTION NO. 12-094-VJB – TWIN BUTTES PETROLEUM SERVICES REFINERY REIMBURSEMENT:**

Councilman moved to approve a Resolution entitled, “Expressing Official Intent to Reimburse Certain Project Costs from Proceeds of Tribal Economic Development Bonds.” Councilman seconded the motion.

VOTE: 5 Ayes. Motion carried

**20. RESOLUTION NO. 12-095-VJB – APPROVAL OF TRIBAL ECONOMIC DEVELOPMENT BOND APPLICATION MILLION DOLLAR BOND:**

Pursuant to the Federal Stimulus Act, Congress has made \$2 Billion available for tribes for the purpose of issuing tax free bonds (“Tribal Economic Development Bonds”) to be used to finance an expanded list of potential types of projects that tribes have been previously unable to finance using tax free bonds. The IRS pursuant to Notice No. 2012-48 is soliciting applications for allocations of the available amount (\$1.8 Billion) or national bond volume limitation authority (volume cap) for Tribal Economic Development Bonds. The MHA Nation Thunder Butte Petroleum Services Clean Fuels Refinery is requesting tribal approval to apply to receive an allocation of TEDB to be used to fund the refinery at Three Hundred Sixty Million Dollars (\$360,000,000).

Councilman Packineau moved to authorize and approve the request from Thunder Butte Petroleum Services Clean Fuels Refinery’s application to apply up to Three Hundred Sixty Million Dollars (\$360,000,000) allocation of Tribal Development Bonds. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

**21. HOBBS, STRAUS RESOLUTION NO. 12-096-VJB: LEGAL SERVICES CONTRACT WITH HOBBS, STRAUS, DEAN & WALKER:**

Councilman Eagle moved to approve and authorize Hobbs, Straus, Dean & Walker to serve as co-bond Counsel with Hawkins Delafield & Wood LLP in Connection with the financing of the Thunder Butte Refinery. Councilman Straus seconded the motion.

VOTE: 5 Ayes. Motion carried.

NOTE: \$110,000 Artic Slope Engineering in budget. Rich to get his copies to the Secretary’s Office.

**22. ELBOWOODS MEDICAL HEALTH CENTER - EASEMENT PROBLEM:**

Councilman Packineau moved to approve a change order of \$6,500 in the Elbowoods Medical Health Center Budget to pay for the easement error on the Land purchased from Jaret Baker. Councilman Eagle seconded the motion.

DISCUSSION: The members reminded James Foote to get a legal opinion on Who was responsible for the error either the surveyor or the Tribe.

VOTE: 5 Ayes. Motion carried.

**23. ALVA IRWIN LOT BEHIND NORTHERN LIGHTS:**

Councilman Eagle motioned approval to direct Dennis Fox, to coordinate moving Alva Irwin's double wide mobile home to Block 6, Lot 3 – Elbowoods Memorial Center. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

***RECESS FOR 15 MINUTES: Councilman Packineau left the meeting for a family event. He will return in 15 minutes.***

**24. RED SAGE ORGANIZATION REQUEST:** Mark Fox

Councilwoman Brugh moved to sponsor “the Mark Fox Swim,” at \$1,000 per mile for a total of \$12,000. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried.

**25. HOUSING RESTORATION OF AMERICA:7:43;52**

Councilman Eagle presented a proposal from “Housing Restoration of America,” to construct a 48 unit motel modular home construction. This Project will be totally funded by Restoration America. Furthermore, they want to place the site where the Game and Fish Animal Control operates. Councilman Eagle said he spoke with Fred Poitra who was in agreement to relinquish lots as long as G&F receives additional space to expand its program.

They are looking at building the hotel in the area behind the Game and Fish Program. The deadline for completion of the Project is December 1, 2012. Councilman Eagle also informed the committee he was executing a contract with Tammy Jacobs and she will be Project Manager .

Councilman Strahs motioned to approve the request from Councilman Eagle to enter into a contract with Restoration America to construct a 48 Room Hotel in the North Segment and to appoint Tammy Jacobs as Project Manager with funding from North Segment budget. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

DISCUSSION: Game and Fish will expand its Animal Control Program on the portion of tribal where the quonset building is located. The tribe is purchasing it from Tyler Wells. This will release the lots for construction of a hotel previously held by the Game and Fish Program.

**26. SMALL LOAN PROGRAM:**

Councilwoman Brugh moved for approval of 16 small loans, subject to the Policy and Procedures of the Small Loan Program. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

	NAME	DATE	LOAN AMT.	REASON	NOTES RE LOAN	ACTION
1	Darlene Finley	8/6/2012	\$1,000	Personal	Current owes \$4,828.95	Needs Collateral
2	Garrett Smith	9/9/12	1,500	Personal	Current owes \$2239.42	Needs Collateral
3	Valarie Mayer	8/9/12	2,000	Personal	Current owes \$3,803..34	Needs Collateral
4	James Pete Hale	8/3/12	2,000	Personal	Current owes \$13,207.66	Needs Collateral
5	Melvin Heavy Gun	8/9/12	3,500	Personal	Current owes 2,942.12	Needs Collateral
6	Charlene Knight	7/31/12	3,500	Personal	Past Due \$11,500 currently paying	Needs Collateral
7	Mark Little Owl	8/9/12	3,500	Personal	Current owes \$7,636.13	Based on a wage assignment
8	Mariam Fixico	8/8/12	4,000.	Personal	Current owes \$28,588.	Based on Policy & Procedures
9	Clarence Sun	8/9/12	5,000	Personal	Current owes \$6,200	Based on Policy & Procedures.
10	Elmer Wells II	8/7/12	5,000	Personal	Owes \$3200.04	Based on Policy & Procedures
11	Ona Lee Johnson	8/8/12	11,650.00	Personal	Current owes \$3,349.50	Based on Policy and Procedures
12	Leonard Conklin Jr.	7/25/12	14,000.00	Car	Current owes \$924.66	Based on Policy & Procedures
13	Jodi Rave	7/25/12	15,000.00	Personal	No open loans	Based on Policy Procedures
14	Mervin Packineau	8/9/12	15,000.00	Personal	No open loans	Based on Policy & Procedures
15	Francis		1500.00	Personal	No Open Loans	Based on Policy &

	Azure					Procedures
16	Sierra Yeahque		15,000.00	Personal	No Open Loans	Collateral

**SMALL LOAN INTEREST RATE:**

Mary Ellen Sun was directed to look into different interest rates and submit them at the tentative 2013 Budget Meeting scheduled for later this next month.

**27. MHA ELDERS MONTHLY DRAWDOWN:**

Councilman Packineau moved to approve and direct the Chief Executive Officer to execute a monthly drawdown of \$30,000 for the MHA Elders Organization. Councilwoman Brugh seconded the motion.

DISCUSSION: The Chief of Staff will follow up with them to make sure this action is completed by Monday, August 13, 2012. Also, remind the Chief Financial Officer to put this matter on the agenda for the TAT 2013 Budget Meeting. Parshall exceeded their budgets mainly Parshall and New Town.

VOTE: 5 Ayes. Motion carried.

**28. KAREN SITTING CROW EDUCATIONAL GRANT REQUEST:**

Councilman Packineau moved to approve a request from Karen Sitting Crow to pay \$4,127.00 for an independent study which is the final phase to obtain her doctorate degree. Councilman Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.

**29. FORT LARAMARIE TREATY:**

Matthew Mason, a tribal elder requested the Tribal Business Council continue with the trip to Fort Laramie in memory of Levi Bruce. Karen Sitting Crow was directed master mind the trip.

**30. THREE AFFILIATED TRIBES MORTGAGE POLICY:**

The Mortgage Program can possibly be funded after the Tribal Budget meeting.

**31. HOLLY TAFT FINANCIAL REQUEST**

Councilman Packineau moved for approval of a \$5,000 grant to Holly Taft to help subsidize the repayment of a \$20,000 educational loan, paid from the Docket funds 350-C&D. Councilman Scott Eagle seconded the motion.

VOTE: 5 Ayes. Motion carried.



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**32. GLORY CERDA REQUEST:**

Karen Sitting Crow will follow Glory Cerda request for gravel with the Roads Department.

**33. NATIONAL DEMOCRATIC: 8:58 50**

Councilman Eagle moved to approve the request from Glenda Embry for \$1,979.00 and Phyllis Howard for \$2,700 to attend the Democratic National Convention as Delegates. Councilwoman Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**34. BUSINESS LICENSES:**

Councilman Packineau moved to approve the (9) Business Licenses as presented: Councilman Strahs seconded the motion.

J&J Quilt Shop  
The Widows Table  
Purell Pressure Washing  
BJ Food Inc.  
Alliance Building Group, LLC.  
White Shield Inc.  
Cooper Zietz Engineer, Inc.  
Fireworks Stand  
Sanven Law Office

VOTE: 5 Ayes. Motion carried.

**35. KYLE MANDAN FINANCIAL REQUEST:**

Chairman Hall and Councilman Packineau will help Kyle Mandan each with a donation.

**36. RESOLUTION NO. 11-151-VJB NANCY FOX (Typo)**

The typo was corrected on the Resolution No.11-151-VJB.

**37. ENVIRONMENTAL CODE FINAL READING:**

Councilwoman Brugh moved to ratify adopting the Environmental Code. Councilman Scott Eagle seconded the motion.

VOTE:5 Ayes. Motion carried.

**38. WHITE SHIELD COMMUNITY BOARDS CONCERNS:**

Several members of the White Shield Community addressed the Tribal Business Council with their many concerns in opposition to Councilman Whitecalfe

actions. Their biggest concern was to clarify if he has any authority to abolish their community board.

*The Tribal Business Council advised them that anything pertaining to their Board should have been addressed in the Charter and By-laws. They were directed to meet with Legal Counsel for a legal opinion "regarding replacement and/or removal of board members" as stated in the Ordinance, Charter and By-laws.*

**39. TRIBAL HOUSING REQUEST TO PURCHASE:**

Councilman Eagle moved to approve the purchase of "Cathy Real Birds" former HUD home Located in the Parshall area for \$69,000. Councilman Strahs seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

DISCUSSION: Prior to purchasing the unit, Lawrence Baker was directed to have an appraisal done on the house for actual value.

**40. TYLER WELLS QUONSET HUT PURCHASE:**

Councilwoman Brugh moved to approve the purchase of a quonset hut from Tyler Wells for \$60,000, subject to an appraisal provided. Councilman Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**41. ADJOURNMENT:**

Councilman \_\_\_\_\_ moved to adjourn the meeting. The motion is seconded by Councilwoman Brugh.

The meeting adjourned at \_\_\_\_\_ p.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 \_\_\_\_\_, 2012; that the foregoing Minutes were amended and/or 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 \_\_\_\_\_, 2012.

**ATTEST:**

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**Tribal Secretary, V. Judy Brugh**  
**Tribal Business Council,**  
**THREE AFFILIATED TRIBES**

\_\_\_\_\_  
**Tribal Chairman, Tex G. Hall**  
**Tribal Business Council,**  
**THREE AFFILIATED TRIBES**