



THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING NO. 13-07-TGH  
APRIL 16, 2013

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**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 11:03 a.m.

**INVOCATION:** A moment of silence was taken to remember all who need prayers.

**ROLL CALL:** All members were Present- *Chairman Tex G. Hall, Councilman Fred Fox, Councilman Barry Benson, (arrived at 12:00 Noon) Councilman Randy Phelan, Councilman Ken Hall, Councilman Mervin Packineau, and Councilwoman V. Judy Brugh. (She left at 7:00pm due to unforeseen circumstances.)*

**01. MOTION ONE: APPROVAL OF AGENDA:**

MOTION: Councilman Randy Phelan motioned to approve the agenda as amended. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**02. MOTION TWO: APPROVAL OF MINUTES: MARCH 14, 2013 TBC MEETING:**

MOTION: Councilwoman V. Judy Brugh motioned to approve the March 14, 2013 Minutes as corrected. Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes, 0 Nays, 1 Abstention. Motion carried.

**MARCH 28, 2013 TBC MEETING:**

MOTION: Councilman Randy Phelan motioned to approve the March 28, 2013 Minutes as corrected. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes, 0 Nays, 1 Abstention. Motion carried.

**APRIL 02, 2013 TBC MEETING:**

MOTION: Councilman Randy Phelan motioned to approve the April 02, 2013 Minutes as corrected. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstention. Motion carried.

**03. LAND ISSUE- HOWARD FAMILY:**

Land Issue - Howard Family - letter of request - have Clarysa Mandan, Acting Administrator, NRD do an assessment and get one from Beaver Creek -Anita Howard will get a letter from family attorney to bring back a Resolution on Agreement and Partition for land Tract 94-A.



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**04. YOUNG HAWK/BEAR-MYRON JOHNSON POSTS 271:**

MOTION: Councilman Packineau moved to approve \$6,728.16 for Posts 271 and 253 to attend a work session "Working for Veterans in Indian Country." Monday, April 29, 2013- May 2, 2013, in Rapid City, SD; with the check to be made out to Jason Morsette, Commander Post 253, who will distribute the money to members attending. Councilman Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

**05. RESOLUTION NO. 13-038-VJB: NEW TOWN HIGH SCHOOL PRESENTATION ON EFFECTS OF METH**

MOTION: Councilman Phelan moved to approve Resolution 13-038-VJB and to add a clause for Banishment Resolution. Councilman Packineau seconded the motion. Damon did the update on Resolution.

VOTE: 7 Ayes. Motion carried.

**06. FORT BERTHOLD COMMUNITY COLLEGE HOUSE PURCHASE**

MOTION: Councilman Packineau motioned to approve to purchase a four bedroom home for the Fort Berthold Community College;- and the Dean of students will occupy the Home as part of employment, subject to legal review. Councilman Phelan seconded the motion with Code 380, a \$260,000.00 price.

VOTE: 7 Ayes. Motion carried.

**07. TAX-WATER UPDATE:**

Tax Commissioner, Mark Fox updated the Business Council on distribution of water sales. No action taken.

**08. RESOLUTION 10-039-VJB NEW TOWN/LITTLE SHELL WATER SOURCE AND TREATMENT FACILITY:**

MOTION: Councilman Phelan motioned to approve Investigation, Planning, and Construction of a New Town/Little Shell Water Source and Treatment Facility. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

**09. RESOLUTION 10-040-VJB -A PLAN FOR GROUND WATER DEVELOPMENT NEW TOWN /LITTLE SHELL**

MOTION: Councilman Randy Phelan motioned to approve a development plan for Ground Water Development in the New Town/Little Shell Segment to meet domestic, rural and municipal water needs, and to direct Edmund Baker, Environmental Administrator to follow-up on Wading application for Saltwater Disposal on fee land for tribal comments. Councilman Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.



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10. **OLEANDER CONTRACTING BID/MANDAREE RAW WATER LINE:**  
MOTION: Councilman Phelan moved to approve the contract bidding from Oleander contract of \$399,237.50 for constructing Mandaree Raw Water Line. Councilman Hall seconded the motion.  
  
VOTE: 7 Ayes. Motion carried.
11. **SAKAKAWEA WATER DEPOT:**  
MOTION: Councilman Fox moved to direct Mark Fox, Tax Commissioner to meet with Steve Kelly on Lake Sakakawea Water Depot. Councilman Packineau seconded the motion.  
  
VOTE: 7 Ayes. Motion carried.
12. **FOUR BEARS WATER SALES:**  
MOTION: Councilman Phelan moved to approve of the Four Bears water sales to McKenzie County for final resolution and decision at the May TBC meeting. Councilman Fox seconded the motion.  
  
VOTE: 7 Ayes. Motion carried.
13. **PROBATE ISSUE: LOIE WHITE BEAR:**  
MOTION: Councilman Phelan moved to give shares of Louie White Bears estate to family, and under the 5% to relinquish to the tribes' interest in favor of Madonna White Bear- Azure, subject to Damon Williams to work with whomever to draft a letter to carry out the intent of the motion. Councilman Fox seconded the motion.  
  
VOTE: 7 Ayes. Motion carried.
14. **SAFE HAVEN UPDATE DRUG TASKFORCE:**
- Trailer in every community
  - Waiting for figures and place to be approved
15. **LOREN YELLOW BIRD FINANCIAL REQUEST:**  
It was consensus of all members to grant Loren Yellow Bird \$500 from each segment to travel to Qatar.
16. **RESOLUTION NO. 13-041-VJB: ELBOWOODS MEMORIAL HEALTH CENTER:**  
MOTION: Councilman Packineau moved to approve Resolution No. 13-041-VJB, Subject to legal review. Councilman Ken Hall seconded the motion.  
  
VOTE: 7 Ayes. Motion carried.
17. **EMHC - DUNICK, INC:**  
MOTION: Councilman Fox motioned to approve Dunick, Inc., for infrastructure in the amount of \$18,722.40 for the clinic housing.



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Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**18. EMHC - DUNICK, INC- MOTION TO WAIVE TERO FEES:**

MOTION: Councilman Packineau motioned to waive TERO Project fee, and not to waive the TERO Licensing fee of \$202,000.00 for Elbowoods Clinic Housing Project.

Councilman

Fred Fox seconded the motion.

VOTE: 6 Ayes, 1 Abstention. Motion carried.

**19. KODIAK OIL AND GAS:**

MOTION: Councilman Phelan moved to correct the clerical error of \$358,374, subject to correction with finance and Legal's review to pay the allottees immediately with interest. Councilman Kenneth Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**20. ENROLLMENT: CLOSED SESSION**

**21. RESOLUTION NO. 13-044-VJB BAKER ICWA CASE: CLOSED SESSION:**

**22. RESOLUTION 13-045-VJB, "APPROVAL OF THE 2013 TRIBAL HUNTING AND FISHING PROCLAMATIONS:**

MOTION: Councilman Fox moved to approve a Resolution "Approval of the 2013 Tribal Hunting Proclamations." Councilman Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**23. FINANCIAL REQUEST — JOEL MORSETTE:**

MOTION: Councilman Fox motioned to direct Lawrence Baker to replace the furnace of Joel Morsette as soon as possible because of his disability, and to pay for it with Tribal housing budget. Councilman Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

**24. RESOLUTION NO. 13-046-VJB: MISSOURI RIVER RESOURCES BLUESTEM/WORMWOOD WELLS:**

MOTION: Councilman Hall moved to approve.... No second ...Motion failed.

**25. LEGAL CONTRACT WITH HOBBS**



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MOTION: Councilman Fox moved to approve to rescind Resolution, and to draft a new Resolution with a different number. Councilman seconded the motion.

VOTE: 7 Ayes. Motion carried.

**26. REFINERY THUNDER BUTTE:**

MOTION: Councilman Packineau moved for approval of the first Phase 1 of the Thunder Butte Petroleum Refinery. Councilman Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

**27. RESOLUTION NO. 13-046-VJB: MAKES CENTS, INC:**

MOTION: Councilman Phelan moved to approve of Makes Cents, Inc. and First Cents Inc. Land Purchase Agreement with Partner Weekly LLC of 325 E. Warm Springs Road, subject to changes in agreement. Councilman Benson seconded the motion.

VOTE: 7 Ayes. Motion carried.

**28. RESOLUTION NO. 13-047-VJB: SEAT BELT AND TEXTING RESOLUTION:**

MOTION: Councilman Phelan moved to approve the adoption of policy requiring seat belt use and prohibiting texting while driving in motor vehicles driven by Three Affiliated Tribal employees while on duty. Councilman Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**29. HEALING HORSE RANCH:**

**30. THUNDER BUTTE HOUSING DEVELOPMENT /ENSPIRE:**

MOTION: Councilwoman Brugh moved for approval of the development plan for the Thunder Butte Housing Development, and to direct Damon Williams, and Heath Knight to move forward with this project and come back with a final packet. Councilman Fox seconded the motion.

VOTE: 6 Ayes, 1 Nay. Motion carried.

**31. RESOLUTION 13-048-VJB FOUR BEARS SEGMENT BOARD MEMBER APPOINTMENTS:**

MOTION: Councilman Brugh moved to approve Resolution No. 13-048-VJB, Four Bears Segment Representative for KMHA Enterprises Board (Rose Crows Flies High) member and James Brugh as Representative for Fort Berthold Housing Authority. Councilman Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

**32. HARRY SITTING BEAR FINANCIAL REQUEST:**





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MOTION: Councilwoman Brugh moved to approve a \$500 medical grant from each segment for Harry Sitting Bear for a total of \$3500. Councilman Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

**33. YOUNG BEAR SINGERS SPONSORSHIP:**

MOTION: Councilman Fox motioned to subsidize the Young Bear Singers with \$3,500 to travel to "Gathering of Nations," to defend their title, and to subsidize the three non-enrolled members with \$500 each to come from the Four Bears Casino and Lodge. Councilwoman Brugh seconded the motion.

VOTE: 6 Ayes, 1 Abstention. Motion carried.

**34. RESOLUTION NO. 13-049-VJB OIL AND GAS DRILLING WASTE:**

MOTION: Councilman Phelan moved to approve "a directive for all Oil and Gas drilling companies to develop remediation plans for waste. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**35. MYLAN RAY SMITH SPONSORSHIP:**

MOTION: Councilman Hall moved to approve a sponsorship of \$1500 from Tribal Code 380, with a match of \$1500 from 4 Bears Casino, for Mylan Ray Smith to participate in the Banchee Competition. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**36. NORTHERN HOOPS SPONSORSHIP:**

MOTION: Councilman Packineau moved to approve a \$6000 sponsorship to Northern Hoops from Tribal Business Code 380, with a match of \$6000 from Four Bears Casino. Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

**37. NEW TOWN HIGH SCHOOL SENIOR TRIP - SAN DIEGO, CALIF:**

MOTION: Councilman Phelan motioned to subsidize the New Town High School senior's class trip with \$5,000 from Code 380 and \$5,000 from the Four Bears Casino and Lodge. Councilman Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

**39. RESOLUTION NO. 13-050-VJB "Community."**

MOTION: Councilman Packineau moved to approve Resolution No. 13-050-VJB "Tribal support for the application "historical and cultural encyclopedia of the Arikara (Sahnish) people to the Shakopee Mdewakanton Sioux Community donation for the



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development of a Arikara Multimedia encyclopedia for the White Shield School and White Shield as presented. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**40. RESOLUTION NO. 13-051-VJB: Arrow Pipeline, LLC."**

MOTION: Councilman Hall moved for approval of a Resolution entitled, "Authorizing the Acquisition and maintenance of a 10% Equity Interest, 10% additional equity purchase and 6 Million capital calls in the Arrow Pipeline, LLC."  
Councilman Fox seconded the motion.

VOTE: 5 Ayes, 1 Nay. Motion carried.

**41. NABI REGIONAL BASKETBALL: HOST TRIBE LICENSE AND TOURNAMENT AGREEMENT:**

MOTION: Councilman Phelan motioned to approve Hosting Tribes License and Tournament" which is in Legal for review and will be available along with a budget request. Councilman Fox seconded the motion

VOTE: 7 Ayes. Motion carried.

**42. MICHAEL BLAKE AND PRAIRIE ROSE SEMINOLE FINANCIAL ASSISTANCE:**

MOTION: Councilman Phelan moved to approve a grant of \$250.00 per segment to Michael Blake for living expenses; and to Prairie Rose Seminole \$1500 for financial hardship. Councilman Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

**43. TWIN BUTTES POW-WOW FINANCIAL REQUEST:**

Financial request- Twin Buttes Pow-wow Committee -CEO to draft a letter to Kodiak and Marathon request to match tribe of \$35,000 until the budget retreat. Dennis Fox to do follow up.

**44. NUX-BAAGA POW-WOW GROUNDS:**

MOTION: Councilman Packineau moved to preserve 10 acres of land right by existing Pow-Wow grounds to the east. Councilman Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried.

**45. BUSINESS DEVELOPMENT MORTGAGE LOANS:**

Councilman Packineau moved to approve reinstating the Business Development Department to include the Mortgage Loan Program and business loans at the discretion of each Councilman. Councilman Fox seconded the motion.

VOTE 6 Ayes. Motion carried.



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**46. 210 HOME INITIATIVES BUDGET CHAIRMAN:**

MOTION: Councilman Phelan moved to designate 3 Million for the Chairman's housing assistance. Councilman Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**47. HOMES FOR POLICE OFFICERS: 2010 INITIATIVE PROGRAM**

MOTION: Councilman Phelan moved to designate 10 homes for police officers, (3) New Town, (2) in Four Bears, (2) Mandaree (2) White Shield and 1 in Twin Buttes. Councilman Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

**48. LEGAL BUSINESS LICENSES:**

MOTION: Councilman Fox moved to approve Business Licenses and authorize business inspector through business development office. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**49. RESOLUTION NO. 13-052-APPOINTMENT OF ADDITIONAL JUDGES FOR CALENDAR YEAR 2013VJB;**

MOTION: Councilman Phelan motioned to approve the appointment of James Vukelich as an Additional Judge for the Fort Berthold District Court for calendar year 2013. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**50. SMALL LOANS:**

MOTION: Councilman Fred Fox moved to approve the following loans, subject to the Small Loans Policies and Procedures. Council Phelan seconded the motion.

VOTE: 5 Ayes, 1 Abstention. Motion carried.

**57. RESOLUTION NO. 13-057-VJB MISSOURI RIVER RESOURCES:**

MOTION: Councilman Fox moved to approval funds for Missouri Resources to participate in the additional drilling of the Bluestem and Wormwood." Councilman Phelan seconded the motion.

VOTE: Ayes. Motion carried.

**58. NORTHERN STAR GIFT SHOP: Closed Session.**

**59. DENNIS FOX HOME MORTGAGE LOAN:**

MOTION: Councilman Phelan moved to approve Dennis Fox Jr., request to purchase Unit 128 and approval of\$221,000.00 for house, subject to Scott Eagle





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declining purchase of house. Councilman Fox seconded the motion.

VOTE: 4 Ayes, 1 Nay, 1 Abstention. Motion carried.

**60. PURCHASE OF PICK-UP FROM THE TOURISM PROGRAM:**

MOTION: Councilman Fox moved to approve Councilman Phelan's request to purchase a 2011 %ton pick-up Silverado, mileage of 183,000 at a rate of 9,500. Councilman Hall seconded the motion.

VOTE: 5 Ayes, 0 Nays, 1 Abstention. Motion carried.

**61. RESOLUTION NO. 13-056-VJB POLICY ADOPTION CREDIT CARDS**

MOTION: Councilman Packineau motioned to adopt a policy governing the use of tribal Credit Cards. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**62. RESOLUTION NO. 13-057-VJB AUTHORIZATION CREDIT CARDS**

MOTION: Councilman Fox motioned to approve authorization of the Three Affiliated Tribes Credit cards. Councilman Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**63. RESOLUTION NO. 13-058-VJB DAMON WILLIAMS CONTRACT AS SUPERVISORY ATTORNEY/TAT:**

MOTION: Councilman motioned for approval of Contract for Damon Williams, Esq., as Supervisory Attorney for the Three Affiliated Tribes. Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**64. RESOLUTION NO. 13-059-VJB JAMES FOOTE CONTRACT**

MOTION: Councilman Packineau moved to approve the employment contract of James Foote Councilman Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**65. NORTHERN STAR INDEPENDENT AUDIT**

MOTION: Councilman Packineau moved to approve an Independent Audit for the Northern Star Gift Shop, with a report brought back to the tribal business council. Councilman Hall seconded the motion.

VOTE: 3 Ayes, 0 Nays, 3 Abstentions. Motion carried.

**66. ADJOURNMENT:**

MOTION: Councilman Hall moved to adjourn the meeting at 2:05am.



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Councilman Phelan seconded the motion.

