



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 14-07-VJB
May 19th, 2014 11:00 AM**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:04 AM.

PRAYER:

Keith Bear gave the invocation.

ROLL CALL:

Present: Chairman Tex G. Hall, Councilman Ken Hall, Councilman Berry Benson, Councilman Randy Phelan, Councilman Mervin Packineau, Councilman Fred Fox and Councilwoman V. Judy Brugh are present. A quorum is established with all members present.

01. APPROVAL OF AGENDA:

ADD-ONS:

Councilman Phelan - Elmer Fredricks,

Chairman Tex G. Hall- New Town Middle School, Trust and Feed, Cemetery

Councilman Fox- Spotted Hawk, Delvin Foote.

Councilman Benson- Cory Spotted Bear, Development Corporation

Councilman Randy Phelan moved to approve of the agenda as presented. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

02. APPROVAL OF MINUTES:

Deferred until the end of the meeting.

03. SPECIAL GUEST/ELDERS:

A. MHA NATION TOMORROW:

Ed Hall did a presentation on Demographic and Socioeconomic Profile. "Tribal Health Care Insurance Plan for all tribally enrolled members. Consults are Shelby Consultants.

1. RESOLUTION NO. 14-074-VJB:

Councilman Randy Phelan moved to approve a Resolution entitled "*Payne West Insurance for \$30,000 approving a contract to facilitate a process that will clarify and define best practices for payment of Health Insurance for all tribal members both on and off the reservation by the MHA Nation.*" Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

Presented the resolution entitled "*Approving contract with Revolution Advisors to develop a Reservation Management System (RIMS) for the Fort Berthold Reservation*"

Councilwoman Judy Brugh noted that the Legal Department has not sent it to the Executive Secretary Office. Chairman Tex G. Hall stated that the contract could still presented for approval at this time.

2. RIMS CONTRACT:

Councilwoman Judy Brugh motioned to approve a contract with RIMS for \$17,000.00, with a Resolution to follow. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

B. ARCADIS (2) CONTRACTS:

Councilman Mervin Packineau moved to approve Arcadis for two contracts i.e., \$45,000.00 and \$14,929.00. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes, 1 Nay. Motion carried.

C. TRUCK, TRAFFIC AND TRUCK MONITORING PROGRAM:

No action taken.

NOTE: Councilman Barry Benson left the meeting at 12:25 pm.

Councilman Ken Hall moved to authorize TAT-DOT to establish a cloud and I.T. System for truck and Traffic Monitoring Program. Councilman Fred Fox seconded the motion.

VOTE: 6 yes. Motion carried.

D. ELBOWOODS HEALTH CARE FACILITY:

Councilwoman Judy Brugh moved to TERO Fee would go into Option 1, and deduct the fee and put back into Project Option 1.

Councilman Ken Hall seconded the motion.

Vote: 6 Ayes. Motion carried.

E. KIDNEY DIALYSIS UNIT:

Councilman Fred Fox moved to approve UBL \$487,000 for new Kidney Dialysis Center.

Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

F. MATTHEW MASON- WHITAKER WELLNESS INSTITUTE-

Councilman Randy Phelan motioned to establish a budget for Whitaker Wellness Institute which will include building, travel, and a medical team put together Dr. Monica Mayer to travel down to Whitaker Institute to investigate and endorse this endeavor. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion Carried.

G. June Packineau- Home Loan

*Motion made by councilwoman Judy Brugh to approve the Home Loan of \$65,000.00 under the Mortgage Program and made out to June Packineau, second by Councilman Randy Phelan.

Vote: 5 Ayes. 1 Abstention. Motion carried.

04. Unfinished Business:

A. Thunder Butte-

Presented Resolution entitled "*Approval to Retain Ventech Global Construction, LLC as Primary Contractor for Engineering, Procurement, Manufacturing, and Site Assistance for the MHA Nation Clean Fuels Refinery Project*" 14-075-VJB

*Motion made by Councilman Fox to approve resolution 14-075-VJB and second by councilman Packineau.

Vote: 6 Ayes. 1 apposed. Motion carried.

FTR-Councilman Phelan stated that the money could be alighted for use by the segments of Fort Berthold.

*Motion made by Councilman Fox to approve MHA Clean Fuels Refinery, Owners Engineer Recommendation of Doyon-Anvil for the OE Engineering portion of the MHA Clean Fuels Refinery with a cost for the scope of work at \$1,620,000.00 and second by Councilman Packineau.

Vote: 6 Ayes. 1 Apposed. Motion Carried.

*Motion made by Councilman Packineau to approve ARCADIS to provide Thunder Butte Petroleum Services with a proposal for SWPPP, SPCC, and Hazardous Material updates for the Thunder Butte Refinery at \$45,000.00 and \$14,920.00, second by Councilman Fox.

Vote: 6 Ayes. 1 Apposed. Motion carried.

B. Traffic and Truck Safety Program-

*Motion made by Councilman Hall to have Tribal DOT establish their own I.T. Network and Cloud system for Traffic and Truck Monitoring system and second by councilman Fox.

Vote: 6 Ayes. Motion carried.

FTR: Councilman Benson exited the meeting 12:25 p.m.

C. Elbowoods Health Care Center: Jim Foote

*Motion made by Councilwoman Brugh to approve option 1 of the proposal and second by Councilman Hall.

Vote: 6 Ayes. Motion carried.

Option 1: All 61 houses from Phase 2 project would change asphalt shingles to metal roofing which would be \$185,000.00 from TERO fee. Then the rest of the TERO fee could be used to install stone/brick on the front of the approximately 12 houses along 12th street North. The stone finish is \$32.20 per square foot and the brick is \$35.00 per square foot.

*Motion to approve UBL Design Group not to exceed \$480,000 for the new Dialysis Unit made by Councilman Fox and second by Councilman Hall.

Vote: 5 Ayes. Motion Carried.

*Motion made by councilman Hall to authorize Jim Foote and the Health board to review documents in regards to the \$18,000.00 payment to Gary Leva for consultant services second by Councilwoman Brugh.

Vote: 5 Ayes. Motion Carried.

FTR- Councilman Packineau exited the meeting before the vote and returned when the vote was made.

D. Elbowoods Health Care Center-

*Motion made by Councilman Ken Hall to direct the EMHC CEO, Kathy Eagle to develop a contract to hire someone with RPMS expertise, second by Councilman Fred Fox.

Vote: 6 Ayes. Motion Carried.

*Motion made by Councilman Randy Phelan to authorize time and a half for holiday pay for the Elbowoods staff as well as the dialysis staff, second by Councilman Fred Fox.

Vote: 5 Ayes. Motion carried.

*Motion made by Councilman Randy Phelan to approve the contract for Tammy Braaflat, Nurse Practitioner, and to increase her wage from \$52.23 an hour to \$56.20 an hour, second by Councilman Ken Hall.

Vote: 6 Ayes. Motion carried.

E. Circle Of Life-Bruce Gillette

*Motion to approve Resolution 14-076-VJB entitled “Approval of Consultant Contract with Laura Weishoff- LAC of Williston, ND” by Councilman Mervin Packineau, second by Councilman Fred Fox.

Votes: 5 Ayes. Motion Carried.

05. NEW BUSINESS

A. Native American Basketball Invitational

*Motion made by Councilman Randy Phelan to approve a \$1000.00 per enrolled member playing in N.A.B.I. and per coach (2 coach maximum per team), second by Councilman Fred Fox.

Vote: 6 Ayes. Motion Carried.

B. FBCC Board Member, East Segment: Councilman Fred Fox

*Motion made by Councilman Randy Phelan to approve Resolution number 14-077-VJB entitled “East Segment Representative Board Member Appointment”, Second by Councilman Ken Hall.

Vote: 6 Ayes. Motion Carried.

C. Better B’s Café Purchase: Earl F.- Deferred

D. HIP- Lawrence Baker-

*Motion made by Councilman Phelan to authorize Lawrence Baker, Housing Director, to pay the Federal Home Loan Bank for the Dream Catcher Program loan of \$250,000.00, second by Councilman Fox.

Vote: 5 Ayes. 1 Abstention. Motion carried.

*Motion to authorize a master plan for the industrial needs of the North Segment made by Councilwoman Judy Brugh, second by Councilman Ken Hall.

Vote: 5 Ayes. Motion Carried.

*Motion to approve the Fort Berthold Tribal Housing’s Elaine’s Floral bill made by Councilman Randy Phelan, second by Councilwoman Judy Brugh.

Vote: 5 Ayes. Motion Carried.

*Motion to authorize Councilman Randy Phelan to work with H.I.P. on Katherine Young Bear’s housing foundation issues up to \$80,000.00 made by Councilman Mervin Packineau and second by Councilman Hall.

Vote: 5 Ayes. Motion Carried.

E. White Shield Spirit Riders-

*Motion made by Councilman Ken Hall to approve the financial request of \$15,000.00 to help promote actives and events for the White Shield Youth, second by Councilman Randy Phelan.
Vote: 6 Ayes. Motion Carried.

F. FB Native American Church Chapter-Jon Brady

*Motion made by Councilman Ken Hall to approve the financial request of \$59,776.00 for the building operation of a new Church as well as a Medicine Lodge, second by Councilman Ken Hall.
Vote: 6 Ayes. Motion carried.

G. Missouri River Resources- Dave Williams

*Motion made by Councilman Fred Fox to forward Resolution entitled “Approval of loan from Nation to Missouri River Resources for drilling well cost associated with exploration and production on 320-acre leasehold located at W1/2 of Section 3, T149N, R94W in McKenzie County, ND and located on the lands of the MHA Nation” on to the next TBC Budget Meeting, second by Councilman Phelan.
Vote: 5 Ayes. Motion Carried.

*Motion made by Councilman Randy Phelan to forward the resolution entitled “Support for Development of ‘Sacagawea Pipeline’” to the next TBC Budget Meeting, second by Councilman Ken Hall.
Vote: 5 Ayes. Motion Carried.

H. Fort Berthold Rural Water: Maynard Demarary

*Motion made by Councilman Randy Phelan to approve the \$3.00 increase for all Rural Water staff to be paid out of the 638 Rural Water Budget and to be paid retroactive back to December 5th, 2013, second by Councilman Fox.
Vote: 5 Ayes. Motion Carried.

Motion made by Randy Phelan to prioritize water needs of the ten names listed, Harlan Deane, Jerry & Linda Irwin, Kerry Hartman, Lee Foote, Shasta Mandan, Beverly Look, Chauncy Good Bird, Antoine Fettig, Pat Packineau, Marcella White, and Chaundee Chase, second by Councilman Fred Fox.
Vote: 5 Ayes. Motion passed.

I. Cory Spotted Bear

*Motion to approve Resolution Numbered 14-078-VJB entitled “South Segment Community Development Corporation (a non-profit corporation of the South Segment Community” by Councilman Ken Hall, second by Councilman Randy Phelan.
Vote: 6 Ayes. Motion Carried.

*Motion to approve Resolution Numbered 14-79-VJB entitled “Oversight authority of the South Segment Community Development Corporation” made by Councilman Ken Hall, second by Councilman Phelan.
Vote: 6 Ayes. Motion Carried.

J. Lori Finley- Home Sale

Proposal for the Sale of home, structures, and mineral rights located at 425 4th Street North, New Town, North Dakota 58763.

*Motion made by Councilman Randy Phelan to approve the purchase of the Lori Finley Home Sale located on 4th Street North, New Town, North Dakota 58763 of \$300,000.00 with the process of clearing the title with the **Minot title** company and with the review of the proposal by the Tribal Legal Department, second by Councilman Fred Fox.
Vote: 6 Ayes. Motion Carried.

K. TERO

* Councilwoman Judy Brugh Motion to approve the Contract for Reed Soderstrom and the Three Affiliated Tribes for \$70,000.00 as well as \$32,000.00 back pay for a total of \$102,000.00 made by Councilwoman Brugh, second by Councilman Mervin Packineau.
Vote: 6 Ayes. Motion Carried.

*Motion made by Councilwoman Judy Brugh to approve Resolution Numbered 14-080-VJB entitled “A Resolution to approve the Contract with Shingobee Builders, Inc. to Construct the Three Affiliated Tribes TERO Energy Building” as well as the bid from Shingobee Builders in the amount of \$12,287,239.00, second by Councilman Ken Hall.
Vote: 6 Ayes. Motion Carried.

*Motion made by Councilman Mervin Packineau to approve the Settlement by TARGA. Second by Councilman Randy Phalen.
VOTE 6 Ayes. Motion Carried.

L. 3rd Annual Cowboys & Indians Chute out of Town: Kyle Mandan

*Motion made by Councilman Ken Hall to approve \$10,000.00 for the “Rain in the Middle Horse Program and Youth Camp” request and to be paid out of the 380 Tribal account, second Councilman Fred Fox.
Vote: 6 Ayes. Motion Carried.

*Motion by Councilman Hall to approve \$3,000.00 for the “Cowboys & Indians Chute out” financial request and to be paid out of the 380 Tribal account, second by Councilman Fox.
Vote: 6 Ayes. Motion Carried.

M. SALLY WHITE- HOUSING

Council members will address the request with the Elder Housing program and will put the item on the upcoming TBC Budget Meeting for discussion and placed on the following TBC meeting for decision.

N. MANDAREE, WHITE SHIELD, AND NEW TOWN MIDDLE SCHOOL FINANCIAL REQUEST

*Motion made by Councilman Randy Phelan to approve \$3,500.00 for each 8th grade graduation for the Mandaree, White Shield, and New Town Schools and that the Mandaree 8th grade graduation request be made out to the Mandaree Boys and Girls Club, second by Councilman Ken Hall.
Vote: 6 Ayes. Motion Carried.

O. Tribal Charter School Board Appointment

*Motion by Councilman Randy Phelan to approve Resolution numbered 14-081-VJB entitled “Board Appointments for Tribal Charter School”, second by Councilman Ken Hall.
Vote: 5 Ayes. Motion Carried.

P. Enrollment Department

*Motion made by Councilman Randy Phelan to approve the Resolution numbered 14-082-VJB entitled “Approval of 41 Applicants for Enrollment into the Three Affiliated Tribes” and the enrollment list of May 2014, second by Councilman Ken Hall.
Vote: 5 Ayes. Motion Carried.

*Motion made by Councilman Fred Fox to approve the resolution numbered 14-083-VJB and entitled “Approval of the Conditional Relinquishment of Kayla Leigh Brady Enrollment # 301U-09598 from Membership in the Three Affiliated Tribes”, second by Councilmen Ken Hall.
Vote: 5 Ayes. Motion Carried.

Total number of TAT enrolment is 13,804 members.

Q. Skill Camp Warrior Basketball

Action taken- financial request of \$3,375.00 to be paid out of the White Shield Segment funds.

R. Fundraising Match: Pansy Ekiss

*Motion made by Councilman Packineau to match the fundraising amount of Pansy Ekiss upon documentation provided of amount, second by Councilman Hall.
Vote: 5 Ayes. Motion carried.

S. TAT Game and Fish Department

*Motion made by Councilman Phelan to approve resolution numbered 14-084-VJB entitled “Approval of the 2014-2015 Tribal Hunting and Fishing Proclamations”, second by Councilman Fox.
Vote: 6 Ayes. Motion Carried.

T. County Sheriff: Gary Schwartzenberger

Introduction to the Tribal Business Council of his candidacy for McKenzie County Sheriff.

U. Baker Land Sale

*Motion made by Councilman Mervin Packineau to amend Resolution number 14-066-VJB “Marle Baker, Mary Fredericks, Jaret Baker and Kerry Baker land Sale” to say “Approval of the sale of the land with the submission of 3 Comparables” in lieu of “Approval of the sale of the land and the house referenced herein shall be subject to receipt of a comparative analysis.” second by Councilman Ken Hall.
Vote: 6 Ayes. Motion Carried.

V. Maloni Fox-

*Motion made by Councilman Ken Hall to approve the financial education request for Maloni Fox in the amount of \$3,500.00 which is based upon previous financial education request made to the Three Affiliated Tribes, second by Councilman Mervin Packineau.
Vote: 6 Ayes. Motion Carried.

W. Renee Mayer-Financial Request

*Motion to approve financial request of \$50,888.00 out of the Tribal Mortgage Program made by Councilman Fox, second by Councilman Hall.
Vote: 6 Ayes. Motion carried.

X. Delores White-Cemetery upkeep

Motion made by Councilman Phelan to authorize the segment representatives to oversee the cemetery upkeep expenses, second by Councilman Fox.
Vote: 6 Ayes. Motion Carried.

6. CHAIRMAN'S REPORT

A. Head Start Update

*Motion made by Councilman Phelan to authorize Kelly Brandfield to develop a quality improvement plan for the Head Start Program, second by Councilman Hall.
Vote: 5 Ayes. Motion Carried.

*Motion made by Councilman Phelan to authorize Head Start to apply for the Kola increase, second by Councilman Hall.
Vote: 5 Ayes. Motion Carried.

B. UTTC Hotel Update

Motion to approve the SEH Contract made by Councilman Mervin Packineau for \$174,500.00, second by Councilman Randy Phelan.
Vote: 5 Ayes. Motion Carried.

C. Keith Bear

Motion made by Councilman Randy Phelan to approve the financial request in the amount of \$2,620.00 to attend an award ceremony in Fort Peck, Montanan for the WWII Code Talkers, second by Councilman Ken Hall.

Vote: 6 Ayes. Motion Carried.

7. REPORTS

A. Chief Executive Officer

1. Trails for Transplant- Leo Cummings

*Motion made by Councilman Fred Fox to approve the financial request of \$5,000.00 to participate in the "Healing along the Custer Trail" starting from Fort Lincoln State Park in Mandan, N.D to the Little Bighorn Battleground at Garryowen, MT. Second by Councilman Randy Phelan.

VOTE 5 Ayes. Motion Carried

2. MIS- Wayne Simpson

Councilman Fred Fox moved to approve the agreement with the NorthStar Technology Group for IT services to the MIS department. Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. Motion carried.

3. Solid Waste

*Motion made by Councilman Randy Phelan to approve Resolution numbered 14-085-VJB entitled "Approving a Contract with Standing Rock Sanitation Services, Inc. to clean up the Tribal solid waste management and equipment facility" Landfill Site Clean Up, Solid Waste Processing, Shredding, and Recycling Proposal at a total of \$129,457.00 to be taken from the Solid Waste budget, second by Councilman Ken Hall.

Vote: 6 Ayes. Motion Carried.

*Motion made by Councilman Randy Phelan to approve the EAPC Contract, second by Councilman Ken Hall.

Vote: 6 Ayes. Motion Carried.

4. Drug Task Force

*Motion made by Councilman Ken Hall to authorize the Tribal CEO to use all three marketing vendors up to \$100,000 from the Drug Task Force budget, second by Councilman Fred Fox.

Vote: 6 Ayes. Motion Carried.

B. Tax Department Mark Fox

*Motion made by Councilman Randy Phelan to authorize Mark Fox to negotiate an agreement with Rick Marsh for a consultant proposal to maintain and develop the MHA Nation Tax Administration Database also to Develop and present a comprehensive training program for staff on how to use the database as well as various projects as directed, second by Councilman Mervin Packineau.

Vote: 6 Ayes. Motion Carried.

C. Small Loans-

*Motion 1 made by Councilman Fred Fox to approve the applicants for numbers 1-24 subject to collateral, second by Councilman Randy Phelan.

Vote: 5 Ayes. 1 Abstention. Motion Carried.

*Motion 2 made by Councilman Randy Phelan to have #25 moved to the Home Mortgage program and that \$20,000.00 be added to that Home Loan, second by Councilman Ken Hall.

Vote: 5 Ayes. 1 Abstention. Motion Carried.

*Motion 3 made by Councilman Randy Phelan to authorize Small Loans to work with Adam Fredericks to pay back his lenders for his school loans as well as being subject to collateral, second by Councilman Fred Fox.

Vote: 6 Ayes. Motion Carried.

D. TREASURERS REPORT

1. Carson Hood- Financial Request

*Motion made by Councilman Fred Fox to approve the financial request of \$75,000.00 for purchase of a home and to be taken out of the Tribal Mortgage Program, second by Councilman Randy Phelan.

Vote: 5 Ayes. 1 Abstention. Motion Carried.

2. Cedar Gillette-Financial Request

*Motion made by Councilman Randy Phelan to approve the education request of \$3,324.00 to come out of the docket funds if eligible or to come out of the segments, second by Councilman Ken Hall.

Vote: 6 Ayes. Motion Carried.

3. Lillian Jones-Financial Request

Councilman Ken Hall motion to approve \$10,000.00 for Lillian Jones to assist with campaign for District 41 House seat. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. Motion Carried.

4. Monetary Donation-Dawn White

Councilman Randy Phelan motioned to award Juan Gonzales with a monetary donation of \$1000.00 to come out of the 380 Tribal Fund and a plaque for act of heroism.

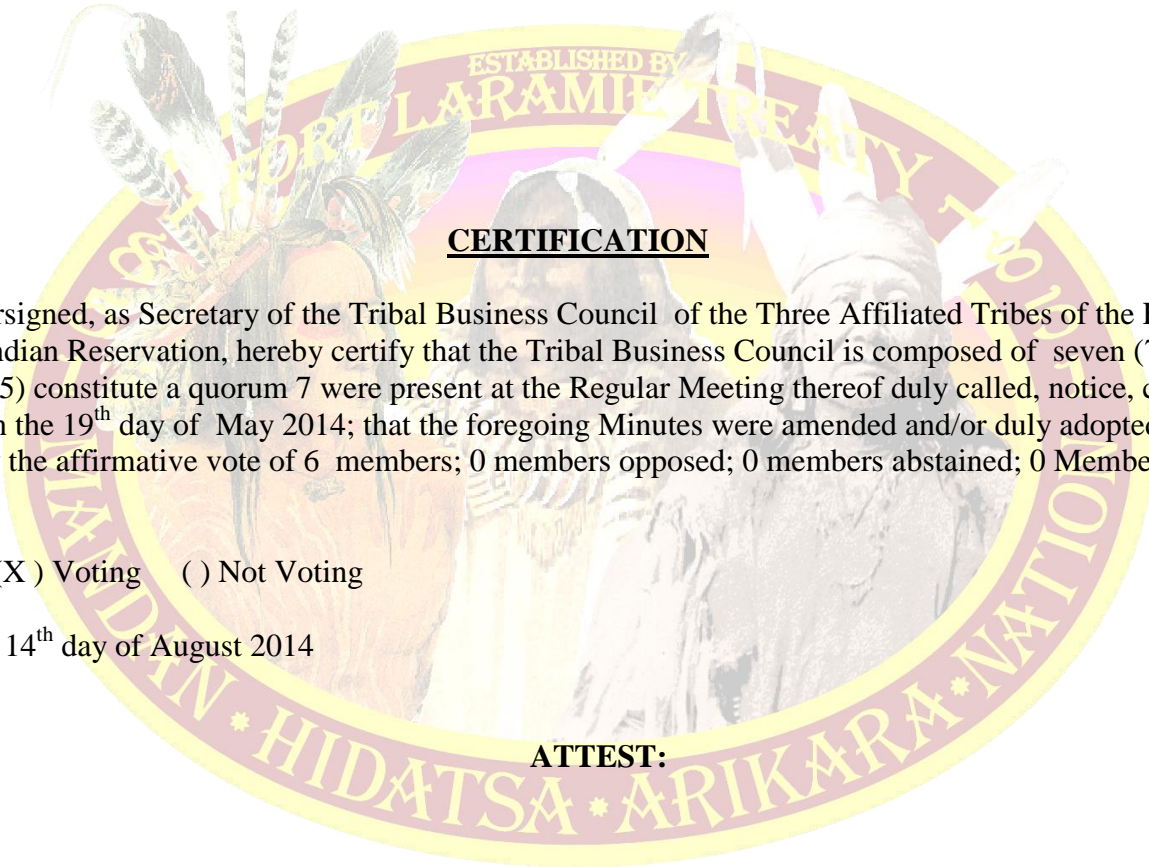
Councilman Ken Hall seconded the motion.

Vote: 6 Ayes. Motion Carried.

*Motion made by Councilman Randy Phelan to approve the second reading of resolution entitled "Amendment to Chapter IV- A Motor Vehicle Code of the Three Affiliated Tribes", second by Councilman Fox.

Vote: 6 Ayes. Motion Carried.

Meeting Recess at 9:45 p.m. All remaining items on agenda will be placed on the May 28th TBC.



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 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 19th day of May 2014; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 6 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 14th day of August 2014

ATTEST:

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

Tribal Chairman, Tex G. Hall
Tribal Business Council,
Three Affiliated Tribes