



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING 14-08-TGH  
JUNE 12, 2014, 1:30 pm.**

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**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 1:25 pm.

**PRAYER:**

Theresa Danks gave the invocation.

**ROLL CALL:**

**Present)** Chairman Tex G. Hall, Councilman Fred Fox, Councilman Randy Phelan, Councilman Ken Hall, Councilwoman Judy Brugh, and Councilman Mervin Packineau. (arrived at 1:50 pm.) **Absent)** Councilman Barry Benson.

**A. APPROVAL OF AGENDA:**

Councilman Randy Phelan moved to approve the current agenda items.

Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**II. APPROVAL OF MINUTES:**

The following dates of minutes of the Tribal Business Council were approved at the Budget Meeting on June 9-10, 2014. The minutes for May 19 & 28, 2014 will be presented on June 27, 2014.

**III. SPECIAL GUESTS/ELDERS:**

**A. SWEARING IN JUSTICE SAFETY OFFICER:**

The Chief Judge Diane Johnson gave the oath of Office of Justice Center Officer to Gerald White, Jr.

**B. HONORING & PRESENTATION OF TWO JUSTICE OFFICERS:**

Detective Dawn White and Special Officer Cummings were presented with blankets for doing exceptional duties.

**C. SAINT KATERI TEKAKWIHA 75<sup>th</sup> ANNUAL CONFERENCE:**

Councilman Ken Hall moved to approve \$1,000 for 17 participants. (attached lists.) Councilman Mervin Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

FTR: Councilman Packineau arrived at the meeting 1:50 pm.

**D. SCHOOL DISBURSEMENT CHECKS:**

Each school district was presented with a \$100,000 check to use for elimination of alcohol and drugs.

**E. ELDER UNITS:** Doris Packineau

Lawrence Baker was instructed to draft policies and procedures for the Tribal Elderly Home Program and assess the cost of a house when they were originally purchased. Clarify the cost.



**F. SAMANTHA LINGREN:**

Councilman Ken Hall moved to approve a \$5,000 medical grant to Samantha Lingren taken out of Code 380 and to make check payable to Karen Boyd for medical insurances purposes. Councilman Fred Fox seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**G. TED BOLMAN JR:**

Councilman Randy Phelan moved to approve \$3,000 Medical Grant to Ted Bolman coded to the 380 account. Councilman Fred Fox seconded the motion.  
VOTE: 5 Ayes. Motion carried.

FTR: Councilman Randy Phelan will help each family with \$500 segment funds for a total of \$2500.

**H. BECKY OVERLIE:**

Councilman Randy Phelan moved to approve a \$2,600 match for the medical fundraising for Becky Overlie. Councilwoman Judy Brugh seconded the motion.  
VOTE: 6 Ayes. Motion carried.

**I. PRESENTATION QUALIFIED SERVICE PROVIDER Madonna Azure/Carol Lisne:**

Councilman Randy Phelan moved to authorize office space in the new Veteran building for the Qualified Service Provider Program after contract is renewed after summer. Councilman

**J. RESOLUTION NO. 14-092-VJB RIMS —MHA NATION TOMORROW:**

Councilman Fred Fox moved to approve a Resolution entitled, "Approving contract with Revolution Advisors to develop a Reservation Management System for the Fort Berthold Indian Reservation. Councilman Ken Hall seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**K. GARY CONSULTING GROUP, INC. ELBOWOODS HOUSING UPDATE:**

Councilman Ken Hall moved to approve the report and \$18,000.00 in balance and to come out of the Tribal Supplement budget to the clinic. Councilman Mervin Packineau seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**L. ELBOWOODS MEDICAL CENTER:**

Councilman Ken Hall moved to approve minus the two items named in the amounts of \$29,400 and 27,582 subtracted from 94,404.00 68,375 Line item 2 42,000 line item 3 \$15,000.00 Line item 10. \$40,000.00 125,000 line item 12. Councilman Fred Fox seconded the motion.  
VOTE: 5 Ayes. Motion carried.



**M. APPROVAL TECHNICAL ADVISOR:**

Councilman Ken Hall moved to hire a technical Advisor for the Elbowoods Medical Health Center. Councilman Mervin Packineau seconded the motion.

VOTE: 4 Ayes, 1 Nay. Motion carried.

**N. DENTAL AND URGENT CARE EXTENSION:**

Councilman Randy Phelan moved to bid design for dental and urgent care expansion. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**IV. UNFINISHED BUSINESS:**

**A. RECREATIONAL FITNESS:**

Councilman Randy Phelan moved to approve \$4,385.00 to pay Jiran Architects and Planners and \$200,000 to renovate the softball and baseball fields according to need. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

**B. RAIN NEXT STEPS PROJECT:**

Councilman Randy Phelan moved to approve the sponsorship of 7 enrolled students to cover miscellaneous cost @ \$1500 per participate in the Rain Next Steps Project for a total amount of \$9,000. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

NOTE: The students to be sponsored are Sunny Hall, Jamie Thonphet, JoAnn Thonphet, Lindsey Smith, Kelli McGrady, and Kelianna Karnatz.

Under discussion, sponsorship will not be provided for Nicole Thomas because she is not enrolled with the Three Affiliated Tribes.

**C. ELMER FREDERICKS (CLOSED SESSION)**

**D. RESOLUTION NO. 14-093-VJB: SUN DANCE CEREMONY**

Councilman Randy Phelan moved to approve a Resolution entitled, "Sun Dance Ceremony." Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**E. RESOLUTION NO. 14-094-VJB:**

Councilman Ken Hall moved to approve a Resolution entitled: "Approval of Design and Infrastructure Construction Contact (Mandaree Community Center with Panther Development Investments, LLC. and authorization for the West Segment Development Corporation to drawdown FY2014 funds in the amount of \$3,000,000.00.for payment of its obligations under the design and Infrastructure Construction contract. Councilman Barry Benson seconded the motion.



VOTE: 7 Ayes. Motion carried.

**V. NEW BUSINESS:**

**A. RESOLUTION NO. 14-095-VJB: ENROLLMENT DEPARTMENT:**

Councilman Randy Phelan moved to approve of 45 applicants for Enrollment into the Three Affiliated Tribes. Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

**B. RESOLUTION NO. 14-096-VJB RELINQUISHMENT OF PHOEBE ANN MELBOURNE:**

**C. SPONSORSHIP KIANA FOX PEOPLE TO PEOPLE PROGRAM:**

Councilman Randy Phelan moved to approve a sponsorship for Kiana Fox for \$3,500 to participate in the People to People Program where she will travel to Madrid, Spain and France. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**D. TRIBAL HOUSING:**

Lawrence Baker reported that Unit 402 is not covered by Insurance because the Unit was intentionally destroyed. He didn't have a current balance and refiguring interest the cost of replacing it is \$114,000.  
Hindrance

**E. HIGHLANDS OF PARSHALL:**

Councilman Ken Hall moved to approve \$50,000 held in escrow earnest money to be drafted by legal for the Highlands of Parshall for the purchase of this property in FY-15 and HIP will bring back a resolution for approval. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**F. FORT BERTHOLD RURAL WATER NEW WATER PLANT TREATMENT:**

The Twin Buttes New Water Treatment Plant needs a site. Virgil Eagle is willing to sell 6 acres @\$12 by his gravel pit. Jeb Fredericks has the lease but its tribal land. This item will be tabled until an appraisal is completed.

**G. LESLIE MORSETTE CONSULTANT AGREEMENT:**

Councilman Fred Fox moved to approve a consultant agreement with Leslie NTE \$21,000 for the period of April 01 until September 30, 2014.

Councilman Randy Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

NOTE: Legal Department did not receive a Resolution but the contract will be signed and a Resolution be brought forward in July, 2014.

**H. BLACK EAGLE ESTATES/WHITE OAK WATER CONNECTIONS:**



Councilman Randy Phelan moved to direct Fort Berthold Rural Water to connect water to the Bureau of Reclamation's waterline White Oaks and Black Eagle Estates. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes, 1 Nay. Motion carried.

NOTE: In order to get water connection to the BOR they require a A&E be completed or the Tribe will have to pay the money back.

**I. RESOLUTION NO. 14-097-VJB TWIN BUTTES SEGMENT**

Councilman Randy Phelan moved to approve Resolution entitled, "Twin Buttes Segment Representative Board Appointment." Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

**J. TRAVIS HALLAM ENROLLMENT:**

No action taken. The Constitution needs to be amended by a referendum vote.

**K. RESOLUTION NO. 14-098-VJB MHA DOT:**

Councilman Randy Phelan moved to approve Resolution Number 14-098-VJB. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**L. RESOLUTION NO. 14-099-VJB LAW E. TECH CONSULTANT CONTRACT:**

Councilman Randy Phelan moved to approve a Resolution entitled, Law E. Tech. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried. Inconsistencies 100% Indian owned.

**M. RESOLUTION NO. 14-100-VJB DOMESTIC VIOLENCE GRANT APPLICATION:**

Councilman Fred Fox moved to approve a Resolution entitled, "Domestic Violence Grant Application." Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

**N. MOU/US JUSTICE OFFICE OF US ATTORNEY DISTRICT OF NORTH DAKOTA:**

Councilman Fred Fox moved to approve a Memorandum of Understanding between MHA Nation and the US Department of Justice Office of US Attorney District of North Dakota. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**O. TWIN BUTTES SOUTH SEGMENT COMMUNITY DEVELOPMENT CORPORATION FUNDING REQUEST:**

No action taken.



**P. CLEMENT PACKINEAU:**

No action taken.

**Q. RESOLUTION NO. 14-101-VJB – LAW ENFORCEMENT CENTER AND TRIBAL DISTRICT COURT ENGINEERING AND DESIGN PHASE.**

Councilman Ken Hall moved to approve the Resolution as presented.

Councilman Randy Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

**R. THUNDER BUTTE RESTAURANT AND CAFE:**

Councilman Mervin Packineau moved to approve Earnest of 4 Million dollars total for the purchase of 4.5 acres in Bismarck, North Dakota for the Thunder Butte Restaurant and Café. Councilman Barry Benson seconded the motion.

VOTE: 7 Ayes. Motion carried.

**S. HIDATSA HILLS ROAD / ONE OAK:**

Councilman Ken Hall moved to authorize Tribal Roads Budget to fix Hidatsa Hill Road and to change the name to Oak Tree. Councilman Randy Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

**T. BUSINESS LICENSES:**

Councilman Randy Phelan moved to approve business licenses to Missiouxree Designs First Cents, and Makes Cents, excluding Pride Fire Works. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**X. TREASURERS REPORT:**

**1. SMALL LOANS:**

Councilman Ken Hall moved to approve Small Loans 1-10, and to approve 10-17, subject to policies and procedures of the Small Loan Program to change Number 16 and 17 to \$20,000. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes, 0 Nays, 1 Abstention. Motion carried.

**2. EDUCATIONAL LOANS:**

Councilman Mervin Packineau moved to approve 1,2, for Educational Loans and to change Number 3 request to \$1300 as recommended by the Small Loans Officer. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

**3. HOUSING ASSISTANCE PROGRAM:**

Councilman Mervin Packineau moved to approve an additional \$20,000 to applicant 1 and to move current loan to the Housing Assistance Program. Councilwoman Judy Brugh seconded the motion.

VOTE: 7 Ayes. Motion carried.



**4. RESOLUTION NO. 14-102-VJB NE SEGMENT DRAWDOWN FY013- HOUSING APPROPRIATION:**

Councilman Mervin Packineau moved to approve a Resolution entitled, "Request for the draw down for Parshall /Lucky Mound Segment FY 2013 housing appropriation to be placed in Northeast Community Development Account." Councilman Randy Phelan seconded the motion.

VOTE: 7 Ayes. Motion carried.

**T. PURCHASE OF MODULAR HOME: CAROLINE HIGH ELK:**

Councilman Mervin Packineau moved to purchase a 2013 modular home from Caroline High Elk for \$150,000. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**VI. MANDAREE CONGREGATIONAL CHURCH CEMETERY FENCE:**

Councilman Fred Fox moved to approve an \$18,000.00 contract with Larry Fox Sr, and the West Segment to construct a fence around the Congregational Church Cemetery in Mandaree, North Dakota. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**VII. RESOLUTION NO. 14-103-VJB APPROVAL OF AMENDED GENERAL FUND BUDGET:**

Councilman Fred Fox moved to approve the FY-014 budget as presented. (Whitney Bell will bring in the budget figures.) Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**VIII. BUSINESS MORTGAGE PROGRAM:**

Councilman Ken Hall moved to approve Business Loans of (see attached.)

Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

**IX. RESOLUTION NO. 14-104-VJB KNIFE RIVER BOARD OF DIRECTORS:**

Councilman Randy Phelan moved to direct Dennis Fox, Jr. to establishment of non-profit Board of Directors. Councilman Ken Hall seconded the motion.

VOTE: 7 Ayes. Motion carried.

**X. NATURAL RESOURCES COMMITTEE: TAMS ACCESS /REALTY SPECIALIST:**

Councilman Randy Phelan moved to direct the Bureau of Indian Affairs to authorize the Natural Resources Administrator/staff to have access to TAMS and to bring back to the Tribal Business Council in Resolution form.

Councilman Fred Fox seconded the motion.

VOTE: 7 Ayes. Motion carried.

**XI. JUDICIAL COMMITTEE:**

**A. GERALD TEXX FOX JUVENILE JUSTICE CENTER**



Councilman Mervin Packineau moved to approve a request from other tribes to house juvenile male inmates in the GTFJC at \$120.00 per day per inmate. Councilman Fred Fox seconded the motion.  
VOTE: 7 Ayes. Motion carried.

**XII. CLOSED SESSION REQUESTS:**

**A. Human Resources Department: (Closed Session)**

**B. SEVERANCE PAY:**

There was discussion on the Severance Policy Pay-out Plan and HR was directed to bring Policy back in Resolution form with changes.

**C. RENEE MAYER:**

Councilman Randy Phelan moved to compensate Renee Mayer \$5,333.35 for lost wages after she was injured in a car accident while on duty, and coded to 380. Councilman Mervin Packineau seconded the motion.  
VOTE: 7 Ayes. Motion carried.

**D. LISA YOUNG BEAR:**

Councilman Randy Phelan moved to reinstate Annual Leave hours of 69.25 and 104.75 Sick Leave hours for Lisa Young Bear. Councilman Mervin Packineau seconded the motion.  
VOTE: 6 Ayes. Motion carried.

**E. LILLIAN JONES CAMPAIGN SPONSORSHIP:**

Councilwoman Judy Brugh moved to direct Lillian Jones to return the sponsorship check of \$10,000 back to the tribe. Councilman Barry Benson seconded the motion.  
**VOTE:** 6 Ayes. Motion carried.

**F. SONJA FOX:**

No action taken

**G. MISSOURI RIVER RESOLUTIONS:**

**1. RESOLUTION NO. 14-104-VJB Bug Wells**

Councilman Fred Fox moved to approve Resolution No. 14-104-VJB. Councilman Randy Phelan seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**2. RESOLUTION NO. 14-105-VJB:**

Councilman Fred Fox moved to approve Resolution No. 14-105-VJB. Councilman Randy Phelan seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**3. RESOLUTION NO. 14-106-VJB:**





Councilman Fred Fox moved to approve Resolution No. 14-106-VJB  
Councilman Randy Phelan seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**4. RESOLUTION NO. 14-107-VJB:**

Councilman Fred Fox moved to approve Resolution No. 14-107-VJB  
Councilman Randy Phelan seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**5. RESOLUTION NO. 14-108-VJB:**

Councilman Randy Phelan moved to approve Resolution No. 14-108-VJB  
Councilman Fred Fox seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**I. KERMIT HEART:**

Kermit introduced Calvin ?? - who is from Pine Ridge tribe. He runs horses races for different Rodeos.

**J. RECORDS MANAGEMENT PROGRAM:** make the positions Permanent program. Councilwoman Judy Brugh recommended that Records Management Program should be made a permanent program. This would contribute to continuity of records and not have to train new staff. She was told to write it up and it will be looked at it in the next meeting.

**K. SAMANTHA LINREN AMENDMENT:**

Councilman Ken Hall moved to amend a motion which approved a \$5,000 medical grant for Samantha Lingren taken out of Code 380 and to make check payable to Karen Boyd for medical insurances purposes. Councilman Fred Fox seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**L. SPONSORSHIP –SONJA FOX:**

Councilman Fred Fox moved to approve a sponsorship to Sonja Fox not to exceed \$2,500 and to code to segments who didn't contribute last fall, to be Councilman Randy Phelan seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**M. KDU**

There was discussion regarding the high costs of issuing transportation costs coded to Grants & Donations. The Director keep saying there is no money in budget. The CEO was directed to look at KDU budget and adjust credit accounts.

**N. MERVAL HALL LAND SALE:**



Councilman Randy Phelan moved to authorize Dennis Fox, Jr., to do an appraisal on Merval Hall's land purchase request. Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

**O. ADJOURNMENT:**

Councilman Fred Fox moved to adjourn the meeting. Councilman Randy Phelan seconded the motion. The meeting adjourned at **8:55 PM.**

VOTE: 5 Ayes. Motion carried.



**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 6 were present at the Meeting thereof duly called, notice, convened and held on the 12<sup>th</sup> day of June 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 14<sup>th</sup> day of August 2014.

**ATTEST:**

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

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