



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 14-09-VJB
AUGUST 14, 2014**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:30 AM.

PRAYER: Jason Morsette

ROLL CALL:

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

01. APPROVAL OF AGENDA:

Councilman Randy Phelan moved to approve the agenda as a continuation from the last meeting. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

02. APPROVAL OF MINUTES:

A. MAY 19, 2014:

Councilman Judy Brugh moved to approve the May 19, 2014 Minutes with corrections and spelling. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

B. MAY 28, 2014:

Councilman Mervin Packineau moved to approve the May 28, 2014 Minutes with corrections. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

C. JUNE 12, 2014:

Councilman Ken Hall moved to approve the June 12, 2014 Minutes with corrections. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

03. MARTIN & MARTIN ASPHALT CONSTRUCTION: July 10, 2014

Councilman Randy Phelan amended motion to pay Martin & Martin **ASPHALT CONSTRUCTION** to construct Route 14 \$75,000 and to finish out Route 12 for \$75,000. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

04. TWIN BUTTES ELDERS DISSOLUTION OF THE SOUTH SEGMENT COMMUNITY DEVELOPMENT."

Twin Buttes Elders Organization is here to request support of a Resolution.

"Dissolution of the South Segment Community Development."

No action taken. This matter will be tabled until both sides are able to be present.



05. VETERANS CENTER SITE: TRIBAL LEASE

Councilman Ken Hall moved to approve the Tribal Lease with the TAT Veterans Administrative Program Community Center, subject to obtaining a ¹.EA ² Fonzi and ³ Corp of Engineers. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

06. RESOLUTION NO . 14-119-VJB: CREDIT UNION.

Councilwoman Judy Brugh moved to approve Resolution No. 14-119-VJB, Creation of Credit Union to be taken out of Code 380. Councilman Ken Hall seconded the motion. Discussion: Look at the other revenue as Dommick will work with Dennis regarding a new bank .

VOTE: 6 Ayes. Motion carried unanimously.

07. RESOLUTION NO. 14-120-VJB: WAYNE FOX ELBOWOODS CLINIC HOUSING:

Councilman Ken Hall moved to approve a Resolution Entitled: “Approval of Elbowoods Rental Unit to Wayne Fox – Fort Berthold Health Board Member. Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes, 1 Abstention. Motion carried.

08. RESOLUTION NO. 14-121-VJB, “APPROVAL OF LAND EXCHANGE BETWEEN THE THREE AFFILIATED TRIBES AND JAMES FOOTE.

Councilman Randy Phelan moved to approve Resolution No. 14-121-VJB Approval of Land Exchange between the Three Affiliated Tribes and James Foote.” Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

09. NORTH SEGMENT COMMUNITY DEVELOPMENT CORPORATION:

Tero and would like to work with them. Flying J and other ones that deal strictly we already got 20. Wooden Bowl 5 or six trailer court.

10. DELORES WHITE – RUBY WHITE:

Councilman Fred Fox moved to approve a sponsorship of \$4,500 to come from the 380 account. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

11. JERRY CHARGING KERZMAN CAMPAIGN:

Councilman Mervin Packineau moved to approve a sponsorship of \$4,500 to come from the 380 account. Councilwoman Judy Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried.

12. MERVAL HALL SALE:

Councilman Randy Phelan moved to purchase 40 acres @ \$7,500 an acre to include the entire infrastructure and home. Councilman Ken Hall seconded the motion.

VOTE: 4 Ayes. 0 Nays, 2 Abstentions. Motion carried.



13. RPI TOWING COMPANY:

Councilman Fred Fox moved to approve a payment of \$118,000 towards the RPI Towing Company's billing statement, minus the amount of \$50,000 original loan and charge each respective department. Councilman Randy Phelan seconded the motion. Law Enforcement Vehicles are coded 380 and 275.

VOTE: 6 Ayes. Motion carried.

14. UNFINISHED BUSINESS:

A. CORVAL: Dominic Silliti:

- Amt of Engineers estimate
- drop bid 14% now there's a bonding issue.
- Signed bill or a lump sum
- Another meeting as to where we're at
- Prime contractor

B. BETTER B CAFE REQUEST TO PURCHASE:

This matter was referred to meet with Elgin Crows Breast from North Segment Development Corp. about purchasing the café No action taken.

C. SACRED HORSE NATION FASHION SHOW:

Councilman Mervin Packineau moved to approve a \$5,000 business sponsorship to Darlene Perkins, "Sacred Horse Nation Fashion Show."

Councilwoman Judy Brugh seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

D. CAMP OF THE CROSS MOUNTRAIL COUNTY SOCIAL SERVICES:— RYAN QUIGLEY:

Councilman Ken Hall moved to approve \$11,874.45 to Camp of the Cross and coded to 380 account. Councilman Mervin Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

E. RESOLUTION NO. 14-122-VJB: ENROLLMENT:

Councilman Randy Phelan moved to approve A Resolution No. 14-122-VJB: "Approval of 83 Applicants for Enrollment into the Three Affiliated Tribes." Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

F. ELBOWOODS CLINIC APPRECIATION GIFTS FOR EMPLOYEES AND 54 DOOR PRIZES:

Councilman Ken Hall moved to approve Elbowoods Clinic's request to purchase Employee Appreciation gifts for \$14,453.00 with one-half of the amount of \$7,226.50 coded to 380 and the other amount \$7,226.50 to the Third Party Billing. Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.



G. ELBOWOODS CLINIC: CONSULTANT W/GREAT PLAINS TRIBAL CHAIRMAN HEALTH BOARD:

Councilman Ken Hall moved to approve a consulting contract with Great Plains Tribal Chairman's Health Board and the Three Affiliated Tribes. A Resolution will be presented at a later date. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

H. RESOLUTION ENTITLED, APPROVAL OF CONSULTING CONTRACT WITH RED TAIL PSYCHOLOGY SERVICES

Councilman Ken Hall moved to approve a Resolution Entitled, "Approval of Consulting Contract with Red Tail Psychology Services." Councilman Fred Fox

VOTE: 5 Ayes. Motion carried unanimously.

I. RESOLUTION NO. 14-124-VJB APPROVAL OF TRAIN FOR CHANGE CONSULTING CONTRACT – CIRCLE OF LIFE:

Councilman Ken Hall moved to approve a Resolution entitled, Approval for train for Change Consulting Contract – Circle of Life Program. Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously..

J. RESOLUTION NO. 14-125-VJB RE-CONTRACTING OF THE HOUSING IMPROVEMENT PROGRAM FOR FY 2014:

Councilman Ken Hall moved to approve a Resolution No. 14-125-VJB Councilman Mervin Packineau seconded the motion unanimously.

VOTE: 6 Ayes. Motion carried.

K. RESOLUTION NO. 14-126-VJB DREAM CATCHER DEVELOPMENT LLC.

Councilman Mervin Packineau moved to approve a loan to Dream catcher Development LLC in the amount of \$650,000.00 for purchase of land and housing and economic development. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

L. RESOLUTION NO. 14-127-VJB WAIVER OF TERO FEES FOR NEW TOWN SCHOOL:

Councilman Fred Fox moved to approve the waiver of TERO Fees for New Town School. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

M. PRAIRIE ROSE SEMINOLE & JAMIE HOLDING EAGLE:

Councilman Ken Hall moved to approve a grant each for \$2,500 for Prairie Rose Seminole, and Jamie Holding Eagle. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

N. EDUCATION LOAN –GARRETT SMITH:

Councilman Mervin Packineau moved to approve a \$12,500.00 student loan to Garrett Smith. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.



O. BRIDGETTE CLARK:

Councilman Fred Fox moved to approve a \$30, 000.00 Home Mortgage Program loan to Bridgette Clark. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

P. ROBERT G. ACKRE CONTRACT

Councilman Fred Fox moved to approve an Attorney Contract between the MHA Nation and Robert G. Ackre Law Firm, 10 Souris Court, Minot, North Dakota. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

Q. FORT BERTHOLD DISTRICT COURT:

Councilman Ken Hall moved to authorize Judge Johnson to send out Request For Proposals (RFP) to both firms, Holland & Knight, Fredericks & Pebbles. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

R. YVETTE FALCON CONSULTANT:

Councilwoman Judy Brugh moved to approve a Consultant Contract renewal between the Three Affiliated and Yvette Falcon for one year at \$35.00 an hour. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

NOTE: A Resolution shall follow.

05. TREASURERS REPORT:

A. STANDARDIZE OFFER A BENEFIT STUDENT:

NOTE: The possibility of establishing a Student Loan Payback was discussed.

LOAN SHAKOPEE FEDERAL BENEFITS STATES PAYS 1500 PER YR

BACHOLARS DEGREE 10 k 2500 2500 2500

MASTERS PHD. 10,000 TOTAL OF \$30,000 HAVE TO WORK 10 YEARS.

B. EDUCATION LOAN –WAYNE C. FOX:

Councilman Randy Phelan moved to approve a \$3,000 loan to Wayne –the motion was amended to say “Education Assistance loan.” Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

C. EDUCATION LOAN –CASSIDY KELLER:

Councilman Randy Phelan moved to approve a \$3,000 loan to Wayne and motion amended for a education assistance loan. Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

D. JOLENE AND LARRY FOX SMALL LOAN:

Councilman Randy Phelan moved to waive the co-sign Jolene and Larry Fox to use the 2014 trailer for collateral. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.



E. SMALL LOANS APPROVAL:

Councilman Randy Phelan moved to approve Small Loans

1,2,3,4,5,6,7,8,9,10,11,12,13,14,

As submitted. Councilman Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes, 1 Abstention. Motion carried unanimously.

Councilman Randy Phelan moved to approve Small Loans,4, 5, 7,8, as submitted.

Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

F. RESTRUCTURING SMALL LOANS INTEREST RATES FROM 9.5 TO 5.5%:

Councilman Judy Brugh moved to approve the TAT Small Loans Program under the direction of the Chief Financial Officer shall be granted approval consideration in the restructuring of loans to an interest rate 9.5% to 5.5% effective for all loans to all borrowers in satisfying their debt to the Tribe. All applicants will have to come in and refinance. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

G. HOME MORTGAGE LOANS:

Councilman Ken Hall moved to approve James Grinnell @ \$40,000, Shasta Mandan @ \$20,000, Richard & Sheila Pease \$70,000.00, Ed and Mariam Fixico @ \$75,000, Dorothy Packineau @\$75,000.00, Jeff White & Britnee Fox @\$110,500.00

Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

H. INCREASE SMALL LOAN

Councilman Randy Phelan moved to approve the increase and raise Small Loans to \$25,000.00. Councilman Mervin Packineau seconded the motion.

VOTE: 6 Ayes. Motion carried.

I. RESOLUTION NO. 14-128-VJB—GRANTS AND DONATIONS LINE ITEM

INCREASE:

Councilman Fred Fox moved to approve the immediate supplement of \$250,000 to the current budget for each Segment on the Fort Berthold Indian Reservation.

Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

J. WAR COULEE: NICOLE WHITE:

Councilman Fred Fox moved to approve an Oilfield Services—business loan of \$222 996.41 to Nicole White, subject to Business Loan Program. Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried.

K. DR. BIRON BAKER, MD: Closed Session



L. RESOLUTION 14-129-VJB APPROVAL OF RESOLUTION ON AUTOMATIC SERVICES:

Councilman Fred Fox moved to approve a Resolution No. 14-129-VJB entitled “Approving the Election Services Agreement with Automated Election Services and the Three Affiliated Tribes for the Primary and General Election.” Code 380.

Councilman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

07. RESOLUTION NO. 14-130-VJB—CONSULTANT CONTRACTS FOR THE ELECTION BOARD MEMBERS & SECRETARY OF THE ELECTION BOARD:

Councilman Fred Fox moved to approve Consultant Contracts for the Election Board Members and the Secretary of the Election Board. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

08. THUNDER BUTTE REFINERY PROJECT:

Councilman Mervin Packineau moved to approve Wetland mitigation credits through the Ducks Unlimited, Inc – North Dakota In-lieu fee program approved by the Army Corps of Engineers in the amount of \$25,000.00 to Ducks Unlimited. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

09. PURCHASE OF AVIS MAYER RESIDENCE FOR \$25,000

Councilman Ken Hall moved to approve the purchase of Avis Baker-Mayers house for \$25,000 out of code 380. Councilman Fred Fox seconded the motion.

VOTE: 5 Ayes. Motion carried.

10. RYAN WILSON – NATIONAL INDIAN EDUCATION ASSOCIATION:

Councilman Ken Hall moved to reaffirm the \$10,000 sponsorship to National Indian Education Association. Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

11. RESOLUTION 14-131-VJB

Councilman Fred Fox moved to approve a Resolution Entitled, “Approval of lease to Missouri River Resources of lands in 147N, 94W-95W, Sections 2,7,28, and 29 in Dunn County for the development of wells.”

Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

12. RESOLUTION 14-132-VJB

Councilman Fred Fox moved to approve a Resolution Entitled, “Approval of lease to Missouri River Resources of lands in 147N, 94W-95W, Sections 25, 26, 35, and 36 in Dunn County for the development of wells.” Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.



13. MEDICAL ASSISTANCE LOAN RON CRAIG:

Councilman Fred Fox moved to approve an \$8,000 Emergency Medical Assistance Loan to Ron Craig. Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

14. LAW ENFORCEMENT— HIRE OF NELSON HEART JR:

Councilman Ken Hall moved to approve Nelson Heart, Jr. to waive the 90 day probationary period— for fulltime permanent with benefits. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

15. RESOLUTION NO. 13-133-VJB—APPROVING A JOINT FUNDING ENVIRONMENTAL STUDY:

Councilman Fred Fox moved to approve a Joint Funding Agreement with the United States Geological Survey for Water Resources Investigations on the Fort Berthold Reservation.” Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

16.RESOLUTION NO. 13-134-VJB—CONSULTANT CONTRACT WITH DENBY M. DEEGAN MASTER PLANNING

Councilman Randy Phelan moved to approve a Resolution entitled, “Approval of Consultant Contract with Denby M. Deegan for Housing and Infrastructure Master Planning for White Shield Segment.” Councilman Ken Hall seconded the motion.

VOTE: 6 Ayes. Motion carried.

16. KANZAS JOHNSON:

Councilman Randy Phelan moved to approve a 200 hours of annual leave buy back request from Kansas Johnson. Councilman Fred Fox seconded the motion.

VOTE: 6 Ayes. Motion carried.

18.RESOLUTION NO. 13-135-VJB –SETTLEMENT AGREEMENT SADDLE BUTTE, AND TARGA COMPANIES:

Councilman Randy Phelan moved to approve a Resolution approving and adopting the Settlement Agreement between Tribal Employment Rights Office, Saddle Butte, and Targa Companies. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

19.RESOLUTION NO. 13-136-VJB— BIA AND OST AUTHORIZE ACCESS TO THEIR DATA SYSTEM:

Councilwoman Judy Brugh moved to approve a Resolution Entitled, “Requesting the BIA and OST authorize access to their data system that contains the TAT land and trust transaction records.” Councilman Randy Phelan seconded the motion.

VOTE: 6 Ayes. Motion carried unanimously.

20.PURCHASE FROM RICK AND SHELLY SHERVAN TEN (10) ACRES PARSHALL:

Councilman Mervin Packineau moved to approve the purchase of ten (10) acres located @3724 72nd Avenue NW Parshall from Rick and Shelly Sherven and work with Signal Realtors and code to land purchase budget.



Councilman Randy Phelan seconded the motion.
VOTE: 6 Ayes. Motion carried unanimously.

21.RESOLUTION NO. 13-137-VJB— FISCAL YEAR 2014 & 2015 (TERO):

Councilman Randy Phelan moved to approve a Resolution Entitled, “Fiscal Year 2014 & 2015 (TERO) – Energy Complex Budget Approval: Revision No. 1.”
Councilman Fred Fox seconded the motion.
VOTE: 6 Ayes. Motion carried unanimously.

22.ERICA WONDRASEK LAW CLERK:

Councilman Fred Fox moved to approve temporary hire of Erica Wondrasek as a Law Clerk at \$25.00 for 90 days. Councilman Ken Hall seconded the motion.
VOTE: 6 Ayes. Motion carried unanimously.

23.ARROW WILKINSON SMALL LOAN/GRANT:

Councilman Fred Fox moved to approve a \$2500 grant each for Nishu and Alysyn and a \$2250 Educational Loan for Arrow Wilkinson. Councilman Randy Phelan seconded the motion.
VOTE: 6 Ayes. Motion carried unanimously.

24.ROMAN FREDERICKS GRANT:

Councilman Randy Phelan moved to approve a \$2,500 grant for Roman Fredericks.
Councilman Fred Fox seconded the motion.
VOTE: 6 Ayes. Motion carried unanimously.

25.BUSINESS LICENSES:

Councilman Fred Fox moved to approve six (6) Business Licenses.
Councilman Randy Phelan seconded the motion.
VOTE: 6 Ayes. Motion carried unanimously.

RESOLUTION NO. 14-139-VJB – APPROVAL OF SETTLEMENT AGREEMENT WITH THE TAT AND NATIVE ENERGY INC.

Councilman Ken Hall moved to approve a Resolution No. 145-139-VJB Entitled, “Approval of the Settlement Agreement with the Three Affiliated Tribes and Native Energy Inc. Councilman Randy Phelan seconded the motion.
VOTE: 6 Ayes. Motion carried unanimously.

RESOLUTION NO. 13-139-VJB—CONSULTANT CONTRACT TAX DEPARTMENT WITH GRACE BULL TAIL:

Councilman Ken Hall moved to approve a Resolution No. 14-139-VJB Entitled, “Consultant Contract - TAT Tax Department with Grace Bull Tail of New York to come out of the Tax budget. Councilman Randy Phelan seconded the motion.
VOTE: 6 Ayes. Motion carried unanimously.



FRANKIE LEE CONTRACT:

Councilman Fred Fox moved to approve a one year Consulting Contract for Frankie Lee, @ \$145.00 per hour. Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

STEPHAN HILL REPORT:

Closed Session

RECESS MEETING:

Councilman Fred Fox moved to recess the meeting until August 24, 2014.

Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.



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 Regular Meeting thereof duly called, notice, convened and held on the 14th, of October 2014; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 16th day of October 2014.

ATTEST:

Tribal Secretary, V. Judy Brugh
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

Tribal Chairman, Tex G. Hall
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

(Seal)