



**THREE AFFILIATED TRIBES:  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING 14-13-TGH  
OCTOBER 20, 2014**

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**CALL TO ORDER:**

Vice-Chairman Fred Fox called the meeting to order at 11:00 p.m.

**PRAYER:** Councilman Ken Hall gave the invocation.

**ROLL CALL: PRESENT:** Vice-Chairman, Councilman Fred Fox, Councilman Randy Phelan, Councilman Ken Hall, Councilman Mervin Packineau, and Councilwoman Judy Brugh.

**ABSENT:** Chairman Tex G. Hall and Councilman Barry Benson.

**I. CLARIFICATION OF AGENDA:**

Councilman

**V. NEW BUSINESS:**

**A. T.A.T. FITNESS AND RECREATION PROGRAM:** Kevin Finley

Councilman Ken Hall moved to accept have three 3 quotes Fitness and Recreation and put it in the FY2015 Budget. Councilman Randy Phelan seconded the motion

VOTE: 5 Ayes. Motion carried unanimously.

Councilman Ken Hall moved to have their own of transportation, and busses what were asking for and they served the purpose Shylo have three quotes and put in budget. Councilman Randy Phelan seconded the motion

VOTE. 5 Ayes. Motion carried.

Put it in the Fitness 14 passenger buses. \$322,000.00 357,000 priceless although they school bus drivers need to have a 6 busses and show disqualified because they didn't show up. They didn't lose they did everyone they could and kids take everything to hard don't want kids When we serve a lot of purchases and would be three quotes. Councilman Kan moved to have three MHA 3 quotes Fitness and Recreation and put it in the FY2015 Budget.

VOTE: 5 Ayes. Motion carried unanimously.

**B. MANDAREE SCHOOL REPLACEMENT OF TWO ROUTE BUSES REQUEST:**

What line item did you take it out of? Leased and Pd. White Shield School took out bonds. Costs Barrows in Bismarck 2 @ \$154,000 fourteen seaters. 227 kids in Mandaree K-12 ended with 185 in May. Caused suspension extremely Do give \$100,000...Used it for housing because of error, sidewalks installed for infrastructure. White Shield Security up dated put this in the budhet Line item? Financed and paid them off. Had to take it out of our savings. They don't come from money from State Transportation. Increase the 150,000 for all schools and refer it to the 2015 FY Budget Meeting. Continuing Resolution from last year's budget playing they request up front. Call the factory before the bus is together.



BIA does not fund buses. Can you finance it until the TBC has a budget in November?

\$150,000 for 5 schools....\$750,000. Game plan? Continuing Resolution? They can buy a bus? Need money up front. 6 to 8 months. Could wait for the FY15 Budget...Mandaree can get by for another school year.

**C. RESOLUTION NO. 14-170-VJB FY-14 TIGER DISCRETIONARY PLANNING.**

T.A.T. Planning and Grants Department: *Sherry Gillette*

Councilman Mervin Packineau moved to authorize the DOT Tiger Grant.

\$3,000,000.00. Councilman Randy Phelan seconded the motion. Actual grant was 5 Million and all we got was 4 Million. Transportation within the exterior boundaries, bridge, ferry, and roads.

We originally applied for 3 Million and if we come up with 3Mil. And get 1Mil.

Take it out of paving. This is to develop a plan to come up with and how we would go about doing it. Money afterward? There will be other grants we are planning for move forward does this lock us in? Yes 1 Million K for each year.

Do you have {All routes are in budget and route 14} just got authorization to sign the contract today so we are going to give them

VOTE: 5 Ayes. Motion carried.

**D. RESOLUTION NO. 14-171-VJB – AUTHORIZATION FOR ADDITIONAL FUNDING FOR THE MANDAREE LAGOON RECLAMATION RFP IHS PROJECT AB-02-R05:**

Councilman Randy Phelan moved to approve the Resolution entitled,

“Authorization for additional funding for the Mandaree Lagoon Reclamation RFP – Indian Health Service. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

**E. T.A.T. THUNDER BUTTE OIL REFINERY:** *Richard Mayer*

404 Permit Certification ACOE As soon as they received the award. Basically told Certification reviewed and EPA. Water Quality Last permit once gets approved air analysis.

**F. ARCADIS ENVIRONMENTAL CONSULTING PROPOSAL:**<sup>0223</sup>

Councilman Mervin Packineau moved to approve a proposal for Transloading Facility Permitting Support. Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

Is this for work already done? Reconciliation Clerk. \$29, was in the work and do have it on our budget.” Open and

operating in 10 months. In budget under special updating for the record I always try to keep you involved in all contractual. Bring back all of the stuff we paid for the Refinery. Report will be ready for you.

VOTE: 5 Ayes. Motion carried. (FTR – JRP voted first time for refinery.)



**G. RESOLUTION NO. 14-172-VJB: GLOBAL COMPANIES LLC AGREEMENT: MARKETING AND FEASIBILITY STUDY:**

Councilwoman Judy Brugh moved to approve the Marketing and Feasibility Study for Royalty in kind, with changes wherever it says: "Federal changes to Fort Berthold District Court." Councilman Mervin Packineau

**H. BARTLETT & WEST:** MP motioned...No second motion dies.

**I. LAW ENFORCEMENT CENTER:**

Councilman Randy Phelan moved to purchase for Tribal Housing Scotas Home for \$70,000.00, and \$50,000 renovation costs coded to Tribal Housing Budget. Off Formula: Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

*Lawrence Baker Defer*

*House is \$124,000 selling it for \$70,000.00 retape the hole Set it up*

**J. PURCHASE AGREEMENT MELANIE MINAFORE**

Councilman Randy Phelan moved to direct Tribal Housing \$87,000 and \$25,000 \$112,000. Councilwoman Judy Brugh seconded the motion.

VOTE: 5 Ayes. Motion carried.

**K. ONE-TIME GRANT FOR RENOVATION:**

The Tribal Business Council went on record to approve \$500,000 for renovations in each and every segment.

**L. RESOLUTION NO. 14-173-VJB NATURAL DISASTER RESOLUTION:**

Amendment to Resolution No. 06-xxx-BNH.

Councilman Randy Phelan moved to amend Resolution No. entitled, "Natural Disaster Grant Increase. Councilman Ken Hall seconded the amendment to the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**M. GPS SYSTEM SURVEILLANCE SELECTION:**

Councilman Randy Phelan moved to approve only local control to work GPS in communities. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**N. JOHN BEARSTAIL HOME MORTGAGE PURCHASE.**

Councilman Ken Hall seconded the motion.

Councilman Randy Phelan amended his motion to approve up to \$300,000.00 on both John Bearstail and Deanna Romero Home Mortgage applications and to waive the policies and procedures of the Program.

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



**P. FORT BERTHOLD NATIVE AMERICAN CHURCH:**<sup>0348</sup>

Councilman Ken Hall moved to approve an additional grant request of \$75,000 to complete the construction of the Native American Church building. Code it to 380. Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**Q. DAKOTA TERRITORY CUSTOM HOMES:** *Larry Trujillo*

Councilman Randy Phelan moved to approve and authorize the draw-down of \$1 Million from the FY-2015 budget for the East Segment Project right by Sesame Street. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**R. LAW ENFORCEMENT HOMES:**

Councilman Ken Hall moved to approve two of the units for Law Enforcement homes and authorize the four units' construction costs coded to Law Enforcement Budget. Mandaree, Twin Buttes and White Shield extra two will be \$150,000 to extra ones will come out of that budget 2.4 Million all segments were Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

1 Million for FY 2015 VJb/KH

Mandaree didn't build their Law Enforcement in regular housing they built them by Fort Berthold Housing Authority. Awahue, middle of White Shield and Sesame. The first two houses were paid out of the FY-2014 and the remaining 2 will come out of

**S. RESOLUTION NO. 14-175-VJB BAKERSFIELD/WOMAN GOES OUT OCCUPANCY COSTS:**

Councilman Randy Phelan moved to approve a Resolution No. 14-175-VJB which the closure of additional housing in Bakersfield. Councilman Ken Hall seconded the motion.

kh No more houses built in Bakersfield/Woman Goes out.

**U. RESOLUTION NO. 13-ADOPTION OF CREDIT CARDS POLICY:**<sup>0408</sup>

Councilman Randy Phelan moved to amend Resolution No. 13-060-VJB: and to add 8&9 and approval to use credit card summary in case of lost receipts, with the policy effective on the date of issuance can be used as verification. Councilwoman Judy Brugh seconded the motion.

Amends motion to the day the card is issued. Councilwoman Judy Brugh amended her second. This will be retro-active at the point of issue.

VOTE: 5 Ayes. Motion carried unanimously.



**VI. TREASURERS REPORT:**

**A. FINAL PAYMENT –DENTON LAW FIRM : *Councilman Fred Fox***

Councilman Randy Phelan motioned to authorize the final payment of \$104,409.26 to Denton's Law Firm. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**VII. A. REPORTS:**

1.) **N.A.R.F. 2015 CONTRIBUTION** Tabled and research to see what work if they have contributed to the Tribes.

2.) **U.T.T.C. SECTION 17 RESOLUTION:**

Table until full Council is available

3.) **SLAWSON SETTLEMENT APPROVAL**

**B. CHIEF EXECUTIVE OFFICER: *Dennis Fox Jr.***

**RESOLUTION NO. 14-176-VJB RE-ESTABLISH THE RECORDS**

**MANAGEMENT:**

Councilwoman Judy Brugh moved to approve the reestablishment of the Records Management Department—Executive Secretary's as a permanent Department.

Councilman Randy Phelan seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

*DISCUSSION:* The program will still be under the supervision of the Secretary of the Tribal Business Council. This action will establish continuity for the tribal records. Also the Administrative Assistant position will be changed to an I.T. position. The positions will be advertised—but during the interim—current staff will continue on with duties. Kelly Baker is currently working with Whitney Bell and it was already passed for the records department. They would be under the flowchart under the secretary's discretion. Dispose of all of the papers or to Kansas. We need our own achieves here. What we struggled with is to get our Resolutions and Minutes on the website.

The Sergeant of Arms under the Chairman but the Security Department should be under the supervision of the Chief Executive Officer.

**C. PURCHASE TRIBAL VEHICLE:**

Councilman Mervin Packineau moved to approve requests to purchase Tribal vehicles currently assigned to them. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

i. Chairman Tex G. Hall (2013 Suburban LTZ) @ \$27,500.00

ii. Tribal Analyst, Bonnie Red Fox, 2011 Ram 1500 Quad Cab Dodge pick-up @ \$12,000.00 and

iii. Chief of Staff, Karen Rabbithead, 2014 Chevrolet Truck Silverado @ \$11,661.00.

Discussion: Dennis Fox was directed to file the necessary paperwork to change title and make arrangements for transfer of title, payment schedule, or paid in full.



3. **NEW TOWN LOT PROPOSAL:**

what to do with demolish \$20,000 estimate

Dennis Fox will work with Josy \$100,000 builds a house to specs and put another house on it. Looking for a place to put a trailer on. Demo will go on record and work with Josey. Will find a lot.

4. **TERRY FREDERICKS BUSINESS LOAN:**

Missing a few things but well put together. \$500,000.00 LOOKING AT A 15 YEAR Loan. Subject to the Business Loan Department. After the 10<sup>th</sup> year make balloon payments equivalent to a full years payment. Looking for relief has history. Under a time restraint.

VII. **LEGAL DEPARTMENT:** *Legal Department Staff: ERICA W*

1. **BUSINESS LICENSES**

Councilman Ken Hall moved to approve the two TJ Snow Removal and Restaurant business licenses. Councilman Mervin Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

2. **RESOLUTION NO. 14-177-VJB: FREDERICKS LEGAL SERVICES**

Councilman Ken Hall motioned to authorize payment of \$425,259.58 to Fredericks Law Firm and code it to Chairman's budget. Councilman Mervin Packineau seconded the motion.

VOTE: 5 Ayes. Motion carried.

Room for Improvement and Attorneys need to be present for all TBC Meeting. In the future establish your council Chairman has not authority to go outside and hire an Attorney for his own business. They have to pay for their own attorney fees.

VIII. **TREASURERS REPORT:** *Councilman Mervin Packineau*

1. **KELSEY PACKINEAU** Consultant Contract Defer until TERO.

Bring back to the November 2014 Meeting. Last rate was \$35 and is now asking for \$40. Why don't they just hire him. He would like to be hired permanently I think he wants to but his wife is not healthy. TERO has been negative. Doing work for TERO helping with the coordination of this TERO Conference. CEO does know that he is working. Behind the scenes. It is a two year contract and his contract was 1 1/2 year,

2. **LUCKY MOUND FORT BERTHOLD RURAL WATER: LUKE SPOTTED BEAR:**

Marvin Danks willing to do temporary work to get water out to the tribal members and get it done right away.



Go with Marvin assures us fast to get someone for each our communities. Primary Indian Contractors. He would rather answer to the Council and work directly under Councilman Mervin Packineau.

**IX. NATURAL RESOURCES COMMITTEE:**

**01. KNIFE RIVER CORPORATE CHARTER:**

Councilman Ken Hall moved to approve the Charter of the Knife River chose a charter and terms, Board of Directors: Dennis Fox, Darian Morsette, Carlos Pinato, Claryca and Martyu Young Bird. Gerard Baker It was done by the TBC a few years ago Councilman Randy Phelan seconded the motion. 1.) Knife River (5) Board Of Directors Corporate Charter: *Claryca Mandan 55 acres Charter drafted Majel Russell and sent to Legal Review. Organized under a 5 member board.*

*Vote: 5 Ayes.*

Received a gift from the Walker family established a Board of Directors. Asking for the Charter.

Dennis Fox, Darian Morsette, Carlos, Claryca and Marty Young Bear, Gerard Baker. Done by a Resolution. Discussion: Recommendation..Would like to see an elder..someone from each segment. Stagger interim Chairman. Senior members to sit on the Board.

**02. CONSULTANT HIRE AMY MOSSETT:**

Councilman Randy Phelan moved to approve the hire of Amy Mossett as a Knife River Corporation consultant at \$100 @ hour 25 hours a week for one year calendar year.. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried unanimously.

**03. TRANSFER NATURAL RESOURCES ADMINISTRATOR TO KNIFE RIVER:**

Councilman Randy Phelan moved to approve the transfer of Claryca Mandan to the Knife River Chief Executive Officer. Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

**04. MODIFICATION OF SMALL LOAN: BARB DESAUTEL**

Councilman Randy Phelan moved to direct the Small Loan Officer to put the \$17,000 Small Loan check in Barb Desautel name as opposed to the vendor, and to expedite the loan. (That has been approved October 16, 2014.)

Councilman Ken Hall seconded the motion.

VOTE: 5 Ayes. Motion carried.

**05. CONTRACTOR OFFICER INSTRUCTOR**

Bonnie Red Fox application. No action taken



**06. HIRE OF CHRISTINE SOLIS**

Councilman Randy Phelan moved to hire Christine Solis permanently as the for the Human Resources Department. Councilman Ken Hall seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**07. CONDITION RESPONSE CONTRACT:**

RP/CONTINUING A CONTRACT FOR SERVICES VJB.  
VOTE: 5 Ayes. Motion carried unanimously.

**08. TARA WILLIAMS TRAINING :**

Councilman Ken Hall moved to approve the payment of \$12,500 to School of Cosmetology, and code it to the TERO Budget line item. Councilman Randy Phelan seconded the motion.  
VOTE: 5 Ayes. Motion carried unanimously.

**09. COUNCIL PENSION:**

Councilman Ken Hall moved to approve a Council Pension Plan document Pertaining to past and present Council members Plan will be submitted in and will be paid out accordingly. Councilwoman Judy Brugh seconded the motion.  
VOTE: 5 Ayes. Motion carried.

**VII. HUMAN RESOURCES DEPARTMENT CLOSED SESSION REQUESTS:**

- A. T.A.T. Human Resources: *Kandice Sanchez*
- B. PERSONNEL ACTION FORMS

**VIII. ADJOURNMENT:**

Councilman Randy Phelan moved to adjourn the meeting at 5:50 pm.  
Councilman Ken Hall seconded the motion.  
VOTE: 5 Ayes. Motion carried unanimously.




**CERTIFICATION**

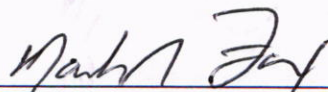
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum 7 were present at the Regular Tribal Business Council meeting thereof duly called, noticed, convened and held on the 5<sup>th</sup> day of December, 2014; that the foregoing Minutes were duly adopted at such meeting by the affirmative vote of 4 members; \_\_\_\_\_ members opposed; 3 members abstained; \_\_\_\_\_ members not voting.

Chairman  Voting.  Not voting.

Dated this 5<sup>th</sup> day of December, 2014.

ATTEST:

  
\_\_\_\_\_  
Tribal Secretary, Ken Hall  
Tribal Business Council,  
Three Affiliated Tribes

  
\_\_\_\_\_  
Tribal Chairman, Mark Fox  
Tribal Business Council,  
Three Affiliated Tribes