



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
December 5<sup>th</sup>, 2014 14-02-MF  
11:00 am.**

---

**CALL TO ORDER:** Chairman Mark Fox called the meeting to order at 10:30 a.m.

**PRAYER:** Allan Demaray

**ROLL CALL: Present-** Chairman Mark Fox, Councilman Fred Fox, Councilman Randy Phelan, Councilman Ken Hall, Councilman Mervin Packineau, Councilman Cory Spotted Bear, and Councilman Frank Grady.

**I. APPROVAL OF AGENDA:**

Councilman Randy Phelan moved to approve the December 5<sup>th</sup>, 2014 agenda, seconded by Councilman Fred Fox.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

**II. APPROVAL OF MINUTES:**

November Tribal Business Council meeting minutes deferred to the end of the meeting.

**III. SPECIAL GUESTS/ELDERS:**

**A. Majel Russell- *enrollment codes***

Chairman Mark Fox stated the importance of updating the enrollment codes for the MHA Nation and that a working session will be set up for the month of January.

**B. Ardel Jean Baker-deferred**

**C. Elbowoods Health Care- *Jim Foote***

Elbowoods memorial Health Center Expansion update;  
Companies- First Dakota Enterprises Short Elliott Hendrickson Inc, J2 Studio/Ubl Design

Phase 1 includes 49 new homes- completed  
Phase 2 includes 61 new homes

**D. Ron Brugh-Deferred**



**E. MHA Elder's Organization- Ramona Two Shields**

Enrollment issue- Elder's stated there is a concern as far as the application process being done properly and fair.

Chairman Fox assured the Elder's program that the working session that will be held in January will address any issues that the public may have with the procedures being conducted by the B.I.A.

**IV. UNFINISHED BUSINESS:**

**A. Per Capita/Elder's Distribution approval T.B.C.**

Councilman Randy Phelan moved to approve resolution #14-186-KH entitled "authorization for a one time disbursement of funds from the tribal oil and gas royalty revenues to all enrolled members of the three affiliated Tribes" with a deadline of December 12th, 2014 and to be disbursed by the postal service. Councilman Fred Fox seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

Councilman Randy Phelan moved to approve Resolution #14-187-KH entitled "Directive to the Office of the Trust Fund Management to make available funds for withdrawal from the Three Affiliated Tribes proceeds of labor account PL228700 in the amount of \$14,170,000.00" Councilman Frank Grady seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye



Councilman Randy Phelan moved to approve Resolution #14-188-KH entitled "Authorization for Disbursement to the TAT Elders" and to include the change of a \$500.00 disbursement to a \$600.00 Councilman seconded Fred Fox the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

Councilman Randy Phelan moved to approve the Resolution #14-189-KH entitled "Tribal officials authorize to initiate disbursement-election and term information to conduct business with the office of the trust funds management." Councilman Mervin Packineau seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

**V. NEW BUSINESS:**



**A. Thunder Butte Oil Refinery- *Richard Mayer***

Councilman Phelan moved to appoint Councilman Fred Fox to the oil and refinery board during the interim of the council deciding if the board will be elected or appointed to the board. Councilman Ken Hall seconded the motion.

Vote 5 Ayes. 1 Abstention. Motion carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Abstention  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-no vote  
Councilman Ken Hall- Aye

**B. TAT Enrollment- *John Charging***

Councilman Randy Phelan moved to approve Resolution #14-190-KH entitled "Approval of 45 applicants for enrollment into the Three Affiliated Tribes" Councilman Fred Fox seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady - Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

FTR: total amount of enrolled members is now 14,190

**C. Enrollment issue- *Sidrick Baker Sr***

No action taken at this time.

**D. Elgin Crowsbreast Housing Board Appointment- *deferred***

**D. Housing- *Sal Beston***

The item requested to be removed by Sal Beston

**F. Four Bears Segment Resolution**



---

Councilman Randy Phelan moved to approve Resolution #14-192-KH entitled “Request for FY 2015 Appropriation Highway Lighting Intersection in the amount of \$366,700.00 for Four Bears of the Fort Berthold Indian Reservation”. Councilman Cory Spotted Bear seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

**G. Missouri River Resources- Karl Artman**

Councilman Ken Hall moved to approve Resolution #14-191-KH entitled “Approval of amendment to master services agreement between Missouri River Resources and Baker Hughes to include a limited waiver of sovereign immunity.” Councilman Fred Fox seconded the motion.

Vote 6 Ayes. 1 Abstention. Motion carried.

Chairman Mark Fox-Abstained  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

**VI. Financial/ Grants/ Sponsorships:**



**A. TAT Small Loans Department- *Mary Ellen Sun***

Councilman Fred Fox moved to approve items number 1-26 under section A subject to TAT small loan policy. Councilman Frank Grady seconded the motion.

Vote 6 Ayes. 1 Abstention. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Abstained  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

Councilman Randy Phelan moved to deny item number 1 and approve item number 2 under section B. Councilman Cory Spotted Bear seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

Councilman Randy Phelan moved to approve item number 1 for a grant in the amount of \$2,500.00 and the remaining amount as a loan. Approval of items numbers 2 and 3 as Grants under section C as well as a \$2,500.00 Grant for Demetrius Mandan. Councilman Fred Fox seconded the motion.

Vote 6 Ayes. 1 Abstention. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-abstention  
Councilman Ken Hall- Aye



Councilman Mervin Packineau moved to approve \$2,500.00 in regards to smaller education loan request. Councilman Randy Phelan seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

Councilman Frank Grady moved to approve Deborah Well's husband for a loan in his name and she be listed as the cosigner and no action taken on item Number 2 under Section E. Councilman Randy Phelan seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady - Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

Councilman Fred Fox moved to approve a loan request of Sara Young Bird in the amount of \$20,000.00 subject to the requirements of the small loan program. Councilman Randy Phelan seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady - Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye



**B. Alliance for Tribal Benefits**

The Organization was directed to the Health Committee.

**C. N.A.T.I Sandra Bercier**

Council requested the program develop a resolution stating the amount that would be requested and for the purpose of the request for consideration.

**D. U.T.T.C**

Councilman Mervin Packineau moved to approve \$1,500.00 from the 380 account and \$1,500.00 from the Four Bears Casino for the UTTC Christmas Grant. Councilman Mervin Packineau seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye

**E. Education Assistance-**

*Demetrius Mandan*- addressed under the small loan agenda items.

MJ Gunderson-Business Consulting \$250,000.00

Donna Hall- Concession Trailer- \$25,000.00

Mamie Sherman- 7 Eagle Energy oil Field Services-\$200,000.00

Aaron Hall-Tribal Spirit Trucking Oil Field Services- \$150,000.00

Jamie Thorton- Spring Creek Resources & Consulting- \$250,000.00

Camilla Gosnell- First Nation Truck Stop Station Office Rental Space-  
\$250,000.00

Councilman Mervin Packineau moved to approve the six business loan applicants. Councilman Frank Grady seconded the motion.

Vote 7 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Aye  
Councilman Ken Hall- Aye





*FTR: Councilman Mervin Packineau left the meeting at 3:30 p.m.*

**F. Medical Request: Catherine Church**

Councilman Frank Grady moved to approve the medical request of Catherine Church in the amount of \$4,000.00 subject to a medical letter stating she is in need of eye surgery. Councilman Randy Phelan.

Vote 5 Ayes. 1 Abstention. 1 not voting. Motion Carried.

Chairman Mark Fox-abstention  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady - Aye  
Councilman Mervin Packineau-not voting  
Councilman Ken Hall- Aye

**G. Young Bear Round dance-sponsorship request**

Councilman Fred Fox moved to approve the sponsorship of the 2<sup>nd</sup> annual Young Bear Round Dance in the amount of \$18,000.00. Councilman Frank Grady seconded the motion.

**H. TAT Small Business Loan Program Toni Starr**

MJ Gunderson-Business Consulting \$250,000.00  
Donna Hall-Concession Trailer-\$25,000.00  
Mamie Sherman-7 Eagle Energy Oil Field Services \$200,000.00  
Aaron Hall-Tribal Spirit Trucking Oil Field Services-\$150,000.00  
Jamie Thorton- Spring Creek Resources & Consulting- \$250,000.00  
Camilla Gosnell-First Nation Truck Stop Station Office Rental Space-  
\$250,000.00

Councilman Mervin Packineau moved to approve the 6 presented Business loan applicants. Councilman Frank Grady seconded the motion.

Vote 6 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Aye  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau- not present  
Councilman Ken Hall- Aye



**I. Valerie Lindley-medical request**

Councilman Randy Phelan moved to approve the purchase of a hospital bed for Cleo Morgan, an enrolled elder, in the amount of \$5,340.92 to be paid to the St. Joseph's Hospital and Health Center. Councilman Fred Fox seconded the motion.

Vote 6 Ayes. 1 not voting. Motion Carried.

Chairman Mark Fox-Aye

Councilman Cory Spotted Bear- Aye

Councilman Fred Fox- Aye

Councilman Randy Phelan-Aye

Councilman Frank Grady - Aye

Councilman Mervin Packineau-not present

Councilman Ken Hall- Aye

**J. Financial Request-**

Councilman Randy Phelan moved to approve the medical request of Shane Felix in the amount of \$9,275.00 subject to review of financial documentation. Councilman Fred Fox seconded the motion.

Vote 6 Ayes. Motion Carried.

Chairman Mark Fox-Aye

Councilman Cory Spotted Bear- Aye

Councilman Fred Fox- Aye

Councilman Randy Phelan-Aye

Councilman Frank Grady- Aye

Councilman Mervin Packineau-not present

Councilman Ken Hall- Aye

*FTR- Councilman Fred Fox left the meeting at 4:05 p.m.*

**VII. Chairman's Report: Chairman Mark Fox**

**A. Appointments/Consultant agreements-** update

Chairman will be presenting possible appointments and consultant agreements at an upcoming Tribal Council meeting for approval for assistance in the Tax and Legal Departments.



## **VIII. Program Reports**

### **A. Chief Executive Officer: Dennis Fox Jr.**

#### **1. Resignation of Dennis Fox Jr.**

Councilman Cory Spotted Bear moved to approve Dennis Fox's resignation contract subject to review prior to an executive meeting on December 29<sup>th</sup>, 2014. Councilman Randy Phelan

Vote 4 Ayes. 1 Abstention. Motion Carried.

Chairman Mark Fox-Aye

Councilman Cory Spotted Bear- Aye

Councilman Fred Fox-not present

Councilman Randy Phelan-Aye

Councilman Frank Grady- Aye

Councilman Mervin Packineau-not present

Councilman Ken Hall- abstained

#### **2. Marilyn Young Bird**

Councilman Randy Phelan moved to approve the contract of Marilyn Young Bird subject to review prior to an executive meeting on December 29<sup>th</sup>, 2014. Councilman Frank Grady seconded the motion.

Vote 5 Ayes. Motion Carried.

Chairman Mark Fox-Aye

Councilman Cory Spotted Bear- Aye

Councilman Fred Fox- not present

Councilman Randy Phelan-Aye

Councilman Frank Grady- Aye

Councilman Mervin Packineau-not present

Councilman Ken Hall- Aye



**3. 1514 Thayer Avenue Purchase**

Councilman Randy Phelan moved to approve subject to review of the contract and appraisal. Councilman Cory Spotted Bear seconded the motion.

Vote 5 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Not Voting  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Not Voting  
Councilman Ken Hall- Aye

**B. Tax Department: *differed***

**C. Legal Department *Caleb Dog Eagle***

**1. Frederick, Peebles, and Morgan resolution: John Fredericks**

Councilman Randy Phelan moved to approve Resolution #14-193-KH entitled "Second Amendment to Legal Counsel Contract between the Three Affiliated Tribes and Fredericks Peebles and Morgan LLP" Councilman Cory Spotted Bear seconded the motion.

Vote 5 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Not Voting  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau- Not Voting  
Councilman Ken Hall- Aye

**2. Business Licenses: TAT Legal Department Staff**



---

Councilman Randy Phelan moved to approve the following business licenses; Bear Chief Oil Inc.-Richard Finley Jr, Thunder Butte Petroleum-Richard Mayer, The Right One LLC-Ashley Thorton, Oriental Express-Cheryl or Vincent Dupris, 3 Bears-Leonard E. Hosie, Roseglen Bar LLC-Bonnie Yellow Bear, Red Light Couture-Darlene Perkins, Roseglen Barr LCC- Bonnie Yellow Bear. Motion seconded by Councilman Frank Grady.

Vote 5 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Not Voting  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Not Voting  
Councilman Ken Hall- Aye

**3. Relocation expense resolution:** *Caleb Dog Eagle*

Councilman Ken Hall moved to approve Resolution #14-194-KH entitled "Authorization for and Directive to the Three Affiliated to make available funds for withdrawal from the Three Affiliated Tribes Legal Department Budget in the Amount of \$5,000.00 for the moving expenses of Caleb Dog Eagle" Councilman seconded the motion.

Vote 5 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Not present  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Not present  
Councilman Ken Hall- Aye



---

**4. Four Bears Solid Waste Building Project**

Councilman Frank Grady moved to Terminate Stronghold Building and Supply for default and move forward with any legal means to get the Four Bears Solid Waste Building project completed. Councilman Spotted Bear seconded the motion.

Vote 5 Ayes. Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Not Present  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Not Present  
Councilman Ken Hall- Aye

**5. Pension Resolution:**

Resolution will be under further review. No T.B.C. action taken at this time.

**6. Purchase Order Resolution**

FTR- Chairman Fox stated it is his intention to make sure improper purchase orders are no longer processed and that Purchase Orders are completed properly before he delegates this amount of his authority to members of the Tribal Council.

**7. Legal Department Appointment**

Councilman Ken Hall moved to appoint Caleb Dog Eagle as the Acting Legal Director. Councilman Cory Spotted Bear seconded the motion

Vote 5 Ayes. 2 Not Voting Motion Carried.

Chairman Mark Fox-Aye  
Councilman Cory Spotted Bear- Aye  
Councilman Fred Fox- Not Voting  
Councilman Randy Phelan-Aye  
Councilman Frank Grady- Aye  
Councilman Mervin Packineau-Not Voting  
Councilman Ken Hall- Aye



**D. Treasurers Report: *Councilman Packineau-deferred.***

**E. Natural Resources Committee**

**1. Petro Golf-**

Councilman Randy Phelan moved to approve the offer from Petro Golf.  
Councilman Ken Hall seconded the motion.

Vote: 2 Ayes. 3 Nays. 2 Not Voting. Motion Failed.

Chairman Mark Fox- nay

Councilman Cory Spotted Bear- Nay

Councilman Fred Fox- Not Voting

Councilman Randy Phelan-Aye

Councilman Frank Grady- Aye

Councilman Mervin Packineau-Not voting

Councilman Ken Hall- nay

**F. Economic Development/Education: *deferred***

**G. Judicial Committee**

**1. Loren's law-Chalsey Snider**

Councilman Cory Spotted Bear moved to approve the resolution #14-195-VJB entitled "Approving the Human Trafficking Code (Loren's law)."  
Councilman Randy Phelan seconded the motion.

Vote 5 Ayes. Motion Carried.

Chairman Mark Fox-Aye

Councilman Cory Spotted Bear- Aye

Councilman Fred Fox- not present

Councilman Randy Phelan-Aye

Councilman Frank Grady- Aye

Councilman Mervin Packineau-not present

Councilman Ken Hall- Aye



*FTR Councilman Randy Phelan left the meeting at 6:30 pm*

**IX. Minutes:**

Deferred to the continuance meeting on December 18<sup>th</sup>, 2014

**X. Adjournment**

Councilman Ken Hall moved to adjourned at 6:32pm. Councilman Cory Spotted Bear seconded the motion.

No Vote recorded.



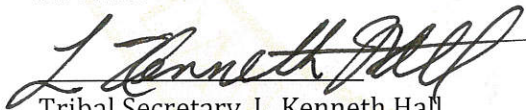
CERTIFICATION

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 Meeting thereof duly called, notice, convened and held on the 5th day of December; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 5 members;     members opposed;     members abstained; 2 Members not voting.

Chairman  Voting  Not Voting

Dated this 3rd day of March.

ATTEST:



Tribal Secretary, L. Kenneth Hall  
Tribal Business Council,  
Three Affiliated Tribes



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