



CALL TO ORDER

Meeting called to order at 11:40am.

OPENING PRAYER

Prayer by Delvin Driver.

ROLL CALL

Present: Councilman Cory Spotted Bear, Councilman Fred Fox, Councilman Randy Phelan, Councilman Frank Grady, Chairman Mark N. Fox, Councilman Mervin Packineau, and Councilman L. Kenneth Hall.
Quorum established.

I. APPROVAL OF AGENDA

Motion: Councilman Randy Phelan moved to approve the agenda. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

II. APPROVAL OF TRIBAL BUSINESS COUNCIL MINUTES: *Executive Secretary L. Kenneth Hall*

- A. **June 11, 2015 Regular Minutes** – *item deferred*
- B. **July 9, 2015 Regular Minutes**– *item deferred*
- C. **July 23, 2015 Continuation Minutes**– *item deferred*
- D. **August 11, 2015 Regular Minutes**– *item deferred*
- E. **September 2, 2015 Special Minutes**– *item deferred*
- F. **September 18th, 2015 Special Continuation Minutes**– *item deferred*
- G. **October 8th, 2015 Regular Minutes**– *item deferred*

III. SPECIAL GUESTS – ELDERS

EXECUTIVE COMMITTEE REPORTS

IV. CHAIRMAN'S REPORT - *Chairman Mark N. Fox*

- A. **River Bed & River Bank Trust Royalties** (Letter from the State of North Dakota)



The tribe is very concerned about a letter about royalties in the riverbed and second letter concerning non-payment of taxes. We will continue to address this issue and hope to iron out our differences soon. The State will be here tomorrow for the opening main street of New Town. Another issue is curtailing flaring and adoption of rules and regulation. A number of meetings were attended that addressed the issue at NCAI and Federal Partner Meetings. We stated our position at NCAI concerning dual taxation as an impediment. Upcoming meeting at NIGA in November to discuss formal position that Executive members should be elected, investors meetings, and MRR developments during INFR. Meeting for MRR and the refinery. Impacted parties meeting concerning water related issues. Next Tribal Business Council will be on November 12th. Congratulated the New Town Cross-Country Team on its state championship and its nearly perfect score. Also great performances from all of our runners from each Segment. Stated that a special recognition with take place on Nov. 12th with a reception to follow. Discussed the Chairman's Bowl and the success of the event. Stated that these are good examples of the effects of the tribe putting money into these programs and receiving positive results.

V. VICE CHAIRMAN'S REPORT - *Councilman Randy Phelan*

A. Native American Rights Fund (NARF)

Matthew Campbell, NARF Staff Attorney (on Phone) joined the meeting. Councilman Randy Phelan informed the Council that John Echohawk and Mat Campbell were in supported of the Tribe on the issue of dual taxation and the Cotton Petroleum Case. We also attended a Federal Partners meeting and discussed and clarified for them many important issues. Councilman Randy Phelan informed the audience of the upcoming Halloween activities in Mandaree. Caleb Dogeagle & Prairie Rose Seminole discussed concerns with the Voter ID law changes and how it impeded native vote in 2014. Prairie Rose Seminole stated that in 2012 poll watchers observed 4 people turned away, and 2 told they were at the wrong location in New Town. No poll watchers were available in the other communities on the reservation. Councilman Mervin Packineau stated that this really needs to be looked at, and we all should be able to vote wherever. We need to have a conversation with the Counties as to where we want our poll locations. Matt Campbell stated that NARF is looking to repeal the new voter ID law. A Lawsuit is being filed in the ND District Court with several constitutional claims. Caleb Dogeagle stated that NARF is covering the costs and asked if TAT would want to be named in the suite also. Chairman Mark N. Fox stated that our inclination is to support, but our role will have to be discussed and determined by the Tribal Business Council. We may also provide a general contribution for NARF to further pursue these type of endeavors. Councilman Randy Phelan thanked John & Mat for looking out for our Indian people. Tribal Leaders Tax Alliance, Austin Green, Warm Springs, Aaron Menendez of NCAI held a Meeting. Chairman Mark N. Fox could put in tandem with our Energy Group, NAC.

VI. TREASURER'S REPORT - *Councilman Mervin Packineau*

A. CFO Report – *Whitney Bell*

B. Small Loans - *Mary Ellen Sun*



Motion: Councilman Randy Phelan moved to approve an Education Loan for J.C. Rabbithead in the amount of \$2,250 to attend South Dakota State University. Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

VII. SECRETARY'S REPORT – Councilman L. Kenneth Hall

Councilman L. Kenneth Hall congratulated the New Town Eagles Boys Cross Country team for taking the State Boy's title again and Coach Dan Anderson on repeating Coach of the Year honors. Also informed the audience of upcoming meetings and events such as an INFR meeting and the White House Tribal Leaders Meeting in DC. Halloween Carnival on Friday and the Economic Development Summit at the Casino this year on Nov. 16 & 17. This year's focus will be on Regulatory issues, Economic Development and opportunity. We will have the Chief from the Muskohay from Alberta Canada to tell their story of oil booms. Chairman Mark N. Fox stated that we are working with the Dept. of Energy to host an energy gathering next June. We expect to bring in the major leaders at the federal level and industry.

VIII. OFFICER REPORTS:

- A. Chief Executive Officer Report – Al Nygard**
 - 1) Update on Grants and Donation
Item deferred.
- B. Chief Financial Officer Report - Whitney Bell**
 - 1) Tribal Budget
(See Closed Session)

IX. UNFINISHED BUSINESS

X. MEDICAL REQUESTS

- A. Medical Request - Reba White Shirt-Bruce**

Motion: Councilman Fred Fox moved to approve a Life and Limb request for John White Shirt. Councilman L. Kenneth Hall seconded the motion.



Vote: 6 Ayes. 1-Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

XI. ECONOMIC DEVELOPMENT COMMITTEE – Councilman L. Kenneth Hall, Chair

A. TERO - T.A.T Minimum Wage - Mona Pond –
Item deferred to the Nov. 12th, Tribal Business Council.

B. Orian Gillette Payment for Services – Jill Gillette

Jill Gillette and Caleb Dogeagle addressed the Tribal Business Council concerning progress made to investigate a claim for payment of services. Jill Gillette stated that documents were forwarded to the CEO Al Nygard. Caleb Dogeagle stated that the CEO is still reviewing a large amount of documents and it does appear Mr. Gillette is owed money, but we are not finished. Recommends that we present it at the Nov. 12th Tribal Business Council. Chairman Mark N. Fox stated that as a separate entity MHA Tomorrow is not part of the Tribe and was concerned about the possible actions to remedy the issue. Caleb Dogeagle also recommends that any entity not affiliated with the TAT does not convey representation of the TAT. Chairman Mark N. Fox stated that we still haven't received a product from the MHA Tomorrow. Deferred to the Nov. 12th Tribal Business Council.

XII. JUDICIAL COMMITTEE – Councilman Fred Fox, Chair

A. Valerie Heart Broker Contract
Item deferred to the Nov. 12th Tribal Business Council.

B. Tribal Court Assessment
Item deferred to the Nov. 12th Tribal Business Council.

XIII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair

A. Education Request - Carmen Two Bears
Councilman L. Kenneth Hall presented for Carmen Two Bear and stated she has finished at Sitting Bull and is seeking financial assistance with her outstanding amount of \$4,729. The issue was referred to the Small Loans department.



Motion: Councilman L. Kenneth Hall to approve a Personal/Educational small loan for Carmen Two Bears with the check to be sent directly to Sitting Bull College subject Small Loans requirements. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 2-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

B. Education Request - Chris McLaughlin

In 2008 Mr. McLaughlin received \$2000 for college. In 2010 he called to repay the loan and was told that it was a grant. In a previous Peoples Fund disbursement check an unspecified amount was garnished from the check related to the loan/grant. Chris McLaughlin is seeking the have the Tribal Business Council to forgive the loan/grant.

Motion: Councilman Cory Spotted Bear moved to clarify amount provided was a grant and not a loan and interest charged. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 2-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

XIII. HEALTH & HUMAN SERVICES - Councilman Frank Grady, Chair

A. Colorado Health and Fitness (acupuncture & massage) - Marilyn Youngbird

Item deferred to the Nov. 12th Tribal Business Council.

B. Rapid Pay Cards – Whitney Bell / Sarah Billing

Seeking authorization to enter into agreement with Rapid Pay Cards for payroll, disbursements and other types of money transfers. Councilman Randy Phelan thought it is a good thing for disbursements and is a long time coming and asked Mr. Bell to investigate the possibility of receiving a dividend on the volume purchased. To be an option in instead of a paper check and could be reloadable to make things easier for our end users. Will not affect direct deposit users.



Motion: Councilman Randy Phelan moved to approve authorization to enter into an agreement for services from Rapid Pay Cards. Councilman L. Kenneth Hall seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Will be trying a test run with employees that want it and hopefully with the disbursement in December.

XIV. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair

A. Max Dickens Jr. Utility Corridor

Tribe owns 17% of the easement requested utilizing the standard payment.

Motion: Councilman Fred Fox moved to approve Resolution no. 15-174-LKH entitled “*Consent and Survey Certain Tribal land for the East Segment’s Max B. Dickins Home Site Project*”.

Councilman Randy Phelan seconded the motion.

Vote: 6 Ayes. 1 – Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. JC Java Coffee House Drive Thru - Joy Chapin

Item deferred to the Nov. 12th Tribal Business Council.

C. Plant & Animal Baseline Study Grant Approval - Antoine Smith

Motion: Councilman Mervin Packineau moved for acceptance of the *Plant & Animal Baseline Study* grant. Councilman Randy Phelan seconded the motion.

Vote: 6 Ayes. 1- Not Voting. Motion carried.

Chairman Mark N. Fox – Aye



Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Some discussion concerning the match and in-kind contribution, and insuring the field technicians working full-time within the scope of the grant. Councilman Randy Phelan asked Antoine Smith to clarify the open gun season time for the radio audience and she replied Nov. 6th 30 minutes before sunrise. Councilman Mervin Packineau thanked Antoine Smith for seeking these grants.

D. Fracking Water Database Development - Nicole Wells
Item deferred to the Nov. 12th Tribal Business Council.

E. Energy Grant Closeout - Harry Sitting Bear
Item deferred to the Nov. 12th Tribal Business Council.

F. TENORM Resolution - Edmund Baker
Item deferred to the Nov. 12th Tribal Business Council.

G. Indian Community Development Block Grant Resolution – Planning & Grants (CEDS)
Item deferred to the Nov. 12th Tribal Business Council.

H. Alfred Smith Home Site - Valeri Hosie
Home site in Bakersfield at the standard rate.

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-175-LKH entitled “Approval of Home Site Lease”. Councilman Frank Grady seconded the motion.

Vote: 6 Ayes. 1 – Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

I. Two Resolutions - Diane American Horse
1) Donald McKenzie Grazing Lease
New lease of 16 acres no in a range unit at \$7.50/acre.



Motion: Councilman Mervin Packineau moved to approve Resolution no.15-176-LKH entitled “*Donald McKenzie – Farm Lease on Tribal land*”. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Abstention. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Abstained
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

2) Resolution – Henry Almit Breuer Jr. – Farm Lease on Tribal land
66% tribal interest for 160 acres.

Motion: Councilman Fred Fox moved to approve Resolution no. 15-177-LKH entitled “*Almit Bruer – Farm Lease on Tribal land*”. Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Motion: Councilman Fred Fox moved to approve Resolution no. 15-187-LKH entitled “*Authorization for Payment in the Amount of \$28,250 to McKenzie Electric for a Service Line Extension*”. Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Not Voting
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye



Discussion: Information provided concerning the partition of the Dale Little Solder, Anita Dean, tribal shared property. Awaiting on the tribe to sign off on corrections to the deed.

J. ROW – Oil & Gas

1) WPX - WAPU Well Site and Well Bores / Grizzly Pad

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-185-LKH entitled “Consent to Certain Right(s) of Way across Tribal land Submitted by (WPX Energy Williston, LLC”. Subject to legal review. Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Not Voting
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not Voting

2) WPX - Well Pad Expansion, Pipeline, Utilities Arikara 15-22

Item deferred to the Nov. 12th Tribal Business Council.

3) WPX - WAPU Eagle 13-14H

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-186-LKH entitled “Consent to Certain Right(s) of Way across Tribal land Submitted by (WPX Energy Williston, LLC”. Councilman Fred Fox seconded the motion. Subject to legal review.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Not Voting
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not Voting

FTR: the above WPX ROW resolution was presented as one resolution and the Tribal Business Council requested that they be split up individually and reviewed by legal. Numbers to be assigned upon receipt at the Records Office. Councilman Randy Phelan recommended in the future all ROW have their own resolution.

4) SHD – Wolf Pad Clarification (Allotment 194 inclusion)

Item addressed.



- 5) **SHD – Simba Pad – (TARGA Myrmidon 30th Street West Lateral)**
Item deferred to the Nov. 12th Tribal Business Council.

6) **ENERPLUS– Mountain Access Road**

Motion: Councilman Randy Phelan moved to approve resolution no. 15-180-LKH entitled “*Consent to Certain Right(s) of Way across Tribal land*”. Councilman Fred Fox seconded the motion.

Vote: 5 Ayes. 2 – Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Not Voting
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Not Voting

- 7) **QEP – Disco Pad 8-28A Setback Variance**
Item deferred to the Nov. 12th Tribal Business Council.

- 8) **TARGA - West Myrmondon Lateral D1 (Trunk)**
Item deferred to the Nov. 12th Tribal Business Council.

9) **TARGA - HBG-16**

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-178-LKH entitled “*Consent to Certain Right(s) of Way across Tribal land*”. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

10) **TARGA - West Myrmondon Lateral C**



Motion: Councilman Frank Grady moved to approve Resolution no. 15-179-LKH entitled “Approval of Setback Variance Requested by Targa Badlands LLC”. Subject to Resolution from legal. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

11) TARGA - Myrmidon 30th Street West Lateral

Item deferred to the Nov. 12th Tribal Business Council. Deferred due to lack of proof for set back variance from home owner/dwelling.

FTR: H. Texx Lone Bear, Natural Resources Director is protesting #12 & 13 on an act of good faith due to the spillage and not meeting with the tribe concerning the pipeline replacement plan. Travis Hallam of Pipe Line Safety is ok with the safety features, but these need to be approved subject to a meeting. Fred Fox discussed the areas of the plan completed with fiberspar and the communications with TAT staff.

12) Crestwood – QEP 9-28G Gathering Line

Motion: Councilman Randy Phelan moved to approve Resolution subject meeting with pipeline safety and NRC. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Voting
Councilman Fred Fox – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

13) Crestwood – Skunk Creek 4-18-17 Gathering Line

Motion: Councilman Randy Phelan moved to approve Resolution no. 15-181-LKH entitled “Consent to Certain Right(s) of Way across Tribal land Submitted by Crestwood” subject to meeting/approval with pipeline safety and NRC. Councilman L. Kenneth Hall seconded the motion.



Vote: 5 Ayes. 2 – Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – No Voting
Councilman Fred Fox – Not Voting
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

FTR: The two above Crestwood Resolutions were presented in the same resolution and will need to be separated as required.

XV. LEGAL DEPARTMENT – Caleb Dog Eagle, Esq., MHA Acting Supervising Attorney

A. Business Licenses

Item deferred to the Nov. 12th Tribal Business Council.

B. Enrollment Ordinance

To return after recommended changes completed.

C. Trespass Code

Carson Hood stated that the code is in its 4th reading and stems from the Tesoro issue with expired ROW and the BIA has a trespass standard so we as a tribe sought to develop a more stringent trespass code. Shannon Attcity stated that previously the code included due process, evidence on record, and a hearing. The code is now administrative in nature so as to not overburden the courts. Chairman Mark N. Fox wants the logistics and responsibilities vetted out before the final reading and approval. It also needs Independent hearing officer if there are appeals during administrative hearings.

Item deferred to the Nov. 12th Tribal Business Council.

XVI. NEW BUSINESS – Tribal Councilman Add Ons

A. Chairman Mark Fox – Marion Wolf Request/Loan

Seeking loan forgiveness on loans taking out by Marion Wolf, her daughter (Alvina Wolf) and brother (Terrance Wolf) to secure nursing home care for \$8,600 total. At his time Marion Wolf is on Medicaid and is good.

Motion: Councilman Fred Fox moved to waive or convert to medical grant for the remaining balance owed from medical loans through Small Loans for Alvina Wolf in the amount of \$6,500. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye



Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

B. Chairman Mark Fox – Reserved

C. Councilman Frank Grady - Reserved

D. Councilman Frank Grady – Delvin Driver Home Loan

Current home mortgage loan is at \$210,809 and is seeking an adjustment by an additional \$58,500.

Motion: Councilman L. Kenneth Hall moved to increase the Delvin Driver Sr. home mortgage by \$58,500 subject to income verification/qualifications of the program. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

E. Councilman Cory Spotted Bear – Frankie Lee Consultant Contract

Requesting approval of contract for project management funding to come out of Special Projects. Original salary benefit requested was renegotiated to \$90/hr. from \$150/hr. Discussion as to scope of work with the contract and expertise provided should cost savings on the project side. John Fredericks stated the tribe has never actually employed a full time Civil Engineer and believes some research needs to be done for salary comparison and Mr. Lee's denial of fringe and their worth.

Motion: Councilman Fred Fox moved to approve the Frankie Lee hire at \$90/hr. full-time employment to provide project management for the Twin Buttes Water Treatment facility project, distribution line and other duties assigned. Councilman Mervin Packineau seconded the motion.

Vote: 6 Ayes. 1- Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye



Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

Discussion: with a portion of the salary to from the new treatment funds. Will also include other duties such a pipeline responsibilities. Supervision by the Al Nygard and Councilman Cory Spotted Bear. Councilman Mervin Packineau asked for the record if he is Civil Engineer and Mr. Lee affirmed. The CEO will draw up the employment contract.

F. Councilman Cory Spotted Bear – Danny Valejo

Mr. Valejo completed 90 day probation at tribal security but has accumulated medical bills ill on probation and is seeking help to pay \$2,100.

Motion: Councilman Cory Spotted Bear moved to approve \$300 per segment & the Chairman's Office to be paid to the Attorney. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1 – Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

Discussion: Councilman Randy Phelan stated that he will provide a concurrence letter for the Tribal Business Council to sign. To be routed by Councilman Cory Spotted Bear's Office.

G. Councilman Mervin Packineau - Tribal-Care Insurance Presentation

Presented the MHA Nation 2016 Healthcare Program document that includes 3 items; Elders & Seniors 65+, under 65, and Weight Loss Challenge. Chairman Mark N. Fox stated that we will need to have a work session to plan within the budget. Current tribal member clients will be renewing on December 31st with many concerned about their plans for the next year. The plans are priority, with Northeast Segment already done. Chairman Mark N. Fox stated that due to budget concerns there is no way we can provide full coverage for all 15k our members, but with that said I want to see an Emergency Care Coverage and need to work within the budget to add services. We will need to work closely to provide like services to every member. Another issue is making sure the Federal Government is paying their share. The group stated that a new self-insured plan would cost the tribe about \$480,000.

H. Councilman Mervin Packineau – M.J. Gunderson



Seeking a sponsorship for his father for a Veteran's Day Event who is participating in the 20th year of placing a wreath at the various war memorials in Washington, D.C. on November 14th. The group is seeking \$9,400 for himself and 3 family members.

Motion: Councilman Frank Grady moved to approve a sponsorship 75% of the request at \$7000. Councilman L. Kenneth Hall seconded the motion.

Vote: 6 Ayes. 1 – Not Voting. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

I. Councilman Randy Phelan – Mandaree Lift Station

Motion: Councilman Fred Fox moved to authorize payment to McKenzie Electric for Mandaree Electricity (White Oak and Good Iron Building Reroute) in the amount of \$162,000 to come from Segment funds subject legal review and resolution. Councilman L. Kenneth Hall seconded the motion.

Vote: 6 Ayes. 1-Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Motion: Councilman L. Kenneth Hall moved to authorize payment of \$961,445 for the Mandaree Lift Station from fund code 380 to Panther Development subject legal review and resolution. Councilman Cory Spotted Bear seconded the motion.

Vote: 6 Ayes. 1-Not Voting. Motion carried.
Chairman Mark N. Fox – Not Voting
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye



Councilman Cory Spotted Bear – Aye

- J. Councilman Randy Phelan** – Contract for Fred Fox Home Loan
Seeking to increase home loan by \$10,000 to \$160,000.

Motion: Councilman Randy Phelan moved to approve the Fred Fox Home Mortgage increase.
Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 1 – Abstention. 1-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Abstained
Councilman Frank Grady – Not Voting
Councilman Cory Spotted Bear – Aye

- K. Councilman L. Kenneth Hall- New Town Water Expansion**

New Town Mayor Dan Uran discussed the current water agreement and the expansion of existing water plant with a 25% increase (325,000 gallons) in the Tribes Allocation. They are seeking \$2,454,000 to complete the project. Some additional discussion of water district boundaries and the State's obligation to return tax dollars generated at Fort Berthold from oil production back to Fort Berthold.

Motion: Councilman L. Kenneth Hall moved to approve legal to draft an addendum to the New Town Water Agreement to continue to provide water to the enrolled members of the City Of New Town for the NSCDC Red Hawk Estates Apartment project and to include infrastructure for the New School Bus Barn project. Councilman Fred Fox seconded the motion.

Vote: 6 Ayes. 1-Not Voting. Motion carried.

Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Not Voting
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

Discussion: Motion amended to include the New Town School Bus Barn. The City of New Town and Fort Berthold Rural Water will meet to discuss if Rural Water can provide the water to the projects and if they can not to meet project timelines then legal will utilize this motion to add an addendum to the New Town Water agreement.



L. Councilman L. Kenneth Hall- Interim TERO Appointment – Ed Lone Fight

Motion: Councilman L. Kenneth Hall moved to approve a Resolution no. 15-182-LKH entitled "Appointment of Ed Lone Fight to Replace El Marie Conklin to Serve on the TERO Commission". Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

M. Councilman Fred Fox- Range Unit 231 – Ted Lone Fight III

Ted Lone Fight is seeking appeal a July decision to award Ted Siers 100% of the Range Unit and restoration of his previous half of Unit 231. Ted Siers current lessor has 100% of the Unit that was appealed to the BIA. Referred to Natural Resource Committee on Nov. 18th.

FTR: Councilman Frank Grady returned to the meeting.

N. Councilman Fred Fox- Yellow Bird Productions

Motion: Councilman L. Kenneth Hall moved to approve a sponsorship of \$3,100 for the Arizona American Indian Excellence in Leadership Awards for Doreen Meyers Duncan. Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

O. Small Loan Request - Eloise Wells

Seeking a \$20,000 small loan for funeral expenses.

Motion: Councilman Fred Fox moved to approve a small loan for \$20,000 subject to Small Loans requirements. Councilman Randy Phelan seconded the motion.



Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

P. BIA 30 Paving

Al Nygard presented 2.73 miles and need authorization to enter into agreement with Border States Paving and the Operators Cost Share.

Motion: Councilman Fred Fox moved to approve \$2.3549 million from the Roads Budget. Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye
Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye

XVII. CLOSED SESSION

- A. Chief Financial Officer - *Whitney Bell*
- B. John Dunham Contract
- C. Reward Authorization for Envelop Stuff Peoples Fund Disbursement - *Whitney Bell*
- D. Elbowoods Memorial Health Center - *Dr. Kathy Eagle, CEO*
- E. James Spying Contract
- F. Human Resources

XVIII. ADJOURNMENT

Councilman Randy Phelan moved to adjourn. Councilman Fred Fox seconded the motion. Meeting adjourned at 8:15pm.

Vote: 7 Ayes. Motion carried.
Chairman Mark N. Fox – Aye
Councilman Randy Phelan – Aye



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
CONTINUATION MEETING
OCTOBER 27th, 2015 MINUTES

Councilman L. Kenneth Hall – Aye
Councilman Mervin Packineau – Aye
Councilman Fred Fox – Aye
Councilman Frank Grady – Aye
Councilman Cory Spotted Bear – Aye



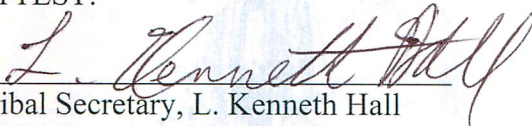
CERTIFICATION

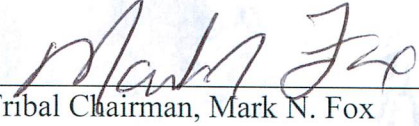
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 27th day of October; 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; 2 Members not voting.

Chairman (X) Voting () Not Voting

Dated this 17th day of February 2016.

ATTEST:


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


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

