



**CALL TO ORDER**

Meeting called to order at 11:09 am.

**OPENING PRAYER**

Kevin Finley

**ROLL CALL**

***Present:*** Councilman Cory Spotted Bear, Councilman Fred Fox (Absent), 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 L. Kenneth Hall seconded the motion.

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

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

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

- July 13<sup>th</sup>, 2016 Special Meeting Minutes
- July 20<sup>th</sup>, 2016 Special Meeting Minutes

***Motion:*** Councilman Randy Phelan moved to approve the July 2016 Tribal Business Council minutes with corrections. Councilman Frank Grady seconded the motion.

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

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

- August 3<sup>rd</sup>, 2016 Special Meeting Minutes



- August 11<sup>th</sup>, 2016 Regular Meeting Minutes

### III. SPECIAL GUESTS – ELDERS

#### A. **Orville Mandan Request** – *Thomasina Mandan* Home renovation request.

**Motion:** Councilman L. Kenneth Hall moved to approve \$6,000 from Chairman Mark N. Fox and \$6000 from Councilman L. Kenneth Hall Offices. Councilman Randy Phelan seconded the motion.

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

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

Discussion: To be routed by the North Segment Office.

#### B. **Kylie Oversen, North Dakota Democratic-NPL Chairwoman** Requesting funding request for \$10,000 coordinated campaign.

**Motion:** Councilman L. Kenneth Hall moved to approve a \$10,000 donation to the North Dakota Democratic Party. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 – Abstention. 1 – Not Present. Motion carried.

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

### **EXECUTIVE COMMITTEE REPORTS**

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

##### A. **Report**

Discussion of the UTTC International Pow-Wow and TAT members receiving free passes. The Chairman's visit to the Native American Connections in Gila River with Senator Heitkamp, the Chairman's feed Saturday of the celebration, and the Drug Treatment Facility. Provided back ground





information concerning pipelines crossing under the Missouri River and current issues involved with consultation, authorization and safety. The Tribe's is support for the Standing Rocks Tribe's stand to stop the Dakota Access Pipeline (DAPL) from crossing the Missouri River. .

**Motion:** Councilman Randy Phelan moved to approve financial support for the Standing Rock Sioux Tribe in the amount of \$12,803.00 for portable toilets with invoice payment from the General Fund for the pipeline protest camp. Councilman Frank Grady seconded the motion.

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

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

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

**A. Report**

Discussion of currant activities to help the people at the Standing Rock Water Protector camps.  
Thanked staff for the help and commented that the Camp was very organized and humbling experience.

**VI. SECRETARY'S REPORT – Councilman L. Kenneth Hall**

**A. Report**

*Item deferred..*

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

**A. CFO Report – Whitney Bell**

*Item deferred.*

**B. Four Bears Casino Report - Pat Packineau, General Manager**

*Item deferred.*

**C. Small Loans – Mary Ellen Sun**

*Item deferred.*

**VIII. OFFICER REPORTS:**

**A. Chief Executive Officer Report – Al Nygard**

1) **Tax Department** – Mary Mashunkashey, Tax Commission Director, Stephanie Hall-Thomas  
*Item deferred.*

2) **Enrollment** - Sevant S. Taft  
*Item deferred*



- 3) **Grants & Donations Policy** – *Barbara Miller*  
Further discussion needed in work session in the next couple of weeks.
- 4) **Energy Kitchen Lease Agreement for Williams** – *Al Nygard*  
*Forwarded to the September Tribal Business Council.*

**IX. UNFINISHED BUSINESS**

- A. **Enrollment Ordinance Amendment** – *Sevant Taft*  
*Item deferred.*
- B. **TAT Emergency Operations Plan with NIMS Integration Grant Letter of Support** – *Cliff Whitman*  
*Item deferred to Committee.*
- C. **Plumbing Issues, Financial Assistance** – *Bentley Heart Jr.*  
*Item deferred.*
- D. **Councilman Mervin Packineau Medical Request**  
*Item deferred.*
- E. **Veterans Building & Reserved Status** - *Bruce Nagel*

**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-185-LKH entitled “*Consent to Certain Right(s) of Way across Tribal land for the Veterans Center*” subject to Legal review. Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman L. Kenneth Hall – Aye  
Councilman Mervin Packineau – Aye  
Councilman Fred Fox – Not Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Not Voting

- F. **Energy & Environmental MOU Draft** - *Shenan Atcitty, Carson Hood and Edmund Baker*  
Formal designation. Documentation of data processes and shared system to all programs. Discussion of monitoring & fining operators for onsite excessive raw gas flaring and spills. Chairman Mark N. Fox expressed the need to distinguish roles of various departments such as development, policy, and regulation through development of a commission. Would like the proposed MOU to be interim in nature, to allow for future policy & regulatory development. Presented a resolution to authorize the MOU. Edmund Baker discussed the intricacies of developing the policies from the Environmental point of view and Natural Resource Committee (NRC) authority to define fees and





regulations. The needs for data tracking and a shared system data system. MOU incorporates fine structure already part of TAT law from a 2001 resolution, Interim rule 11-14. Working session to further develop the MOU.

**G. DOI and the Office of Indian Energy and Economic Development (IEED) – Carson Hood Jr.**  
Energy seeking to apply for the FY2016 Solicitation of Proposal issued by the DOI and the Office of Indian Energy and Economic Development (IEED) Office open to Federal recognized Indian Tribes.

**Motion:** Councilman Randy Phelan moved to approve resolution no.16-186-LKH entitled “Authorization for the MHA Energy Division and the MHA Planning & Grants Department to Apply to the Office of Indian Energy and Economic Development Program FY 2016 Energy and Minerals Development Program (BIA).” subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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

Discussion: The Council discussed issues with 638 language in the proposed resolution.

**H. Natural Gas/Propane Development - John Mahoney, Carson Hood Jr., and Richard Mayer**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 16-204-LKH entitled, “Approval of Oil and Gas Development Sub-Committee, and Approval of a \$500,000.00 Appropriation Subject to Budgetary Approval” subject to Legal review and availability of funding. Councilman Cory Spotted Bear seconded the motion.

Discussion: Councilman Cory Spotted Bear will sit on the committee in lieu of Councilman Randy Phelan. Chairman Mark N. Fox recommended a sub-committee of NRC with any Councilman able to participate and subject to budget availability. Further discussion as to equipment and tribal gas processing plant. Councilman Randy Phelan agreed that it should be a sub-committee. Chairman Mark N. Fox prefers a title of Gas Distribution Development & Planning Sub-Committee. Richard Mayer discussed the benefit of supplying the proposed refinery from TAT’s own natural gas and applying refinery funds towards the requested appropriation.

**I. EPA Permits for Crude Loading Facility**

Discussion of the refinery and the effects on permitting the crude load facility, a September 30<sup>th</sup> deadline and the need to meet with the Chairman. *No Action.*



**J. 14-173-VJB Natural Disaster Emergency Grant Assistance Amendment – Cliff Whitman**  
*Item deferred to Committee.*

**K. Medical/Building of Wheel Chair Ramp - Candice Carpenter**  
*Item deferred.*

**L. Medical Request – Sutheree Lovell**  
*Item deferred.*

**X. MEDICAL REQUESTS**

**A. Life and Limb Savannah Dubois - Jodi Finley**  
Savannah DuBois is in need of 6 month Physical Therapy 3times/ wk. in Minot.

**Motion:** Councilman Frank Grady moved to approve up to and not to exceed \$2,500 at \$100/week. Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. 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 Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye

**B. Medical Bills - Frank Benson**  
Kathy Eagle CEO will negotiate his costs. 2006 \$46 and the other that they are gathering.

**C. Tom Demaray Medical Bill**  
Liz Yellow Bird presented request for assistance to pay medical bill from a heart attack suffered by Tom Demaray at St. A's. Submitted bill to Elbowoods 2 years ago for over \$5000. Will work with Kathy Eagle, EMHC CEO.

***COMMITTEES OF THE TRIBAL BUSINESS COUNCIL***

**XI. HEALTH & HUMAN SERVICES - Councilman Frank Grady, Chair**

**A. Elbowoods Clinic Report – Dr. Kathy Eagle**  
Provided a written report to the Council and summary of new staff. Renegotiation of Federal Contract submitted that needs resolution concerning 638. Presented an overview of the EMHC budget. Requested delegation of authority for Sanitarian to close a facility and developing an MOU with Grants & Donations.





THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
SPECIAL MEETING  
AUGUST 30<sup>th</sup>, 2016 MINUTES

**Motion:** Councilman L. Kenneth Hall moved for delegation of authority for Sanitarian to close a facility subject to research of previous code and development of procedures. Councilman Frank Grady seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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

**Motion:** Councilman Frank Grady moved to approve of resolution no. 16-203-LKH entitled, “Authorization and Request for Extension of Contract No. HHS-I-241-2017-00011, as a Term Contract.” Councilman L. Kenneth Hall seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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

Discussion: For the continuation of 638 Contract subject to documentation of contract numbers.

**B. Home Health Care Report - Dr. Monica Mayer**  
*Item deferred.*

**C. Circle of Life - Bruce Gillette**

Al Nygard presented bids for roof damage repair that can be covered by the indirect pool; and insurance claim is pending.

**Motion:** Councilman L. Kenneth Hall moved to approve acceptance of bid. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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







THREE AFFILIATED TRIBES  
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SPECIAL MEETING  
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Councilman Randy Phelan – Aye  
Councilman L. Kenneth Hall – Aye  
Councilman Mervin Packineau – Aye  
Councilman Fred Fox – Not Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye

**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-189-LKH entitled “*Pipit 31-30*” subject to Legal review. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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

**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-190-LKH entitled “*Buffalo/Corral Unit*” subject to Legal review. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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

**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-191-LKH entitled “*Mandaree South 19-18*” subject to Legal review. Councilman Frank Grady seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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



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**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-192-LKH entitled “Hidatsa 14-23” subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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

**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-193-LKH entitled “Consent to Certain Rights(s) of Way across Tribal land Submitted by (WPX Energy Williston, LLC) Young Bird 34-27” subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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

*FTR: Chairman Mark N. Fox returned to the meeting*

**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-194-LKH entitled “Consent to Certain Rights(s) of Way across Tribal land Submitted by (WPX Energy Williston, LLC) Arikara 15-22” subject to Legal review. Councilman Mervin Packineau seconded the motion.

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

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

**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-195-LKH entitled “Consent to Certain Rights(s) of Way across Tribal land Submitted by (WPX Energy Williston, LLC) Whitetail 19-18” subject to Legal review. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.





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

**D. ROW Application Form – Carson Hood Jr.**

**Motion:** Councilman L. Kenneth Hall moved to approve resolution no. 16-196-LKH entitled “Approval of Revised MHA Nation Rights-of-Way Applications”. Councilman Mervin Packineau seconded the motion.

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

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

*FTR: Chairman Mark N. Fox resumed the Chair of the meeting.*

**E. FBRW Reorganization**

Creating new position of Chief of Operation and moving Maynard Demaray into position. Cami Gosnell into the Director position: (Councilman Randy Phelan) Tony Fettig waiting for 4 yrs. For water hook up. More hot water with BOR by not following the proper protocol on top of ground. Agency is upset and concerned. The need to put aside funds to get elders hooked up to rural water. Prioritized list for water hookup. Report deferred to the September 22<sup>nd</sup>, 2016 Tribal Business Council meeting.

**F. Thunder Butte Petroleum Update – Richard Mayer**

**XIII. ECONOMIC DEVELOPMENT COMMITTEE – Councilman L. Kenneth Hall, Chair**

**A. Business Loans – Toni Starr**

*Item deferred.*

**B. TERO Report– Charles Foote**

*Item deferred.*

**C. Business Licenses – Caleb Dogeagle**

*Item deferred.*



**D. Interpretive Center Display Contracts - Delphine Baker**  
*Item deferred.*

**E. Land Purchase for Home Site from Lyle Danks Estate - Lawrence Baker**  
County assessment at \$32,500 and the family only wants \$15,000 to \$20,000 for the lot on Eagle Drive in New Town. The house would need to be torn down.

**Motion:** Councilman L. Kenneth Hall moved to approve the purchase of the lot subject to Current County abstract. Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. 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 – Not Present  
Councilman Cory Spotted Bear – Aye

*Discussion:* Noted issue of budget shortfall and Menards outstanding Menards bill of \$90,000.

**F. Warrior's Circle – Joe Donnell**  
*Item deferred.*

**G. Home Repair Request – Meralle Eileen Grinnell**  
Requesting \$8,053 for home repairs.

**Motion:** Councilman Cory Spotted Bear moved to approve half of request with from the Chairman's office and Councilman Cory Spotted Bear's office. Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. 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 – Not Present  
Councilman Cory Spotted Bear – Aye

**H. Home Repair Request – Clarine Packineau**  
Requesting \$27,153 Make sure primary residence with a cap of \$10,000.





THREE AFFILIATED TRIBES  
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**Motion:** Councilman L. Kenneth Hall moved to approve 50% or a cap of \$10,000 subject to verification of primary residence and show evidence that they can come up with the remaining amount. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. 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 – Not Present  
Councilman Cory Spotted Bear – Aye

**I. Sponsorship request – Bobby Fox for Dale Starr**  
*Item addressed.*

**J. Electrical Request & Contractor Issues – William Lone Bear**

**Motion:** Councilman L. Kenneth Hall moved to approve \$500 from each segment and the Chairman's office. Councilman Randy Phelan seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. 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 Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye

**K. Aging Conference Request - Florence Brady**

In Niagara Falls, Conference request is for 4 persons to attend 2016 National Indian Council.

**Motion:** Councilman L. Kenneth Hall moved to approve funding for the trip for in the amount of \$1,200 per person, including any other elders that want to go to the conference. Councilman Mervin Packineau seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman L. Kenneth Hall – Aye  
Councilman Mervin Packineau – Aye  
Councilman Fred Fox – Not Present  
Councilman Frank Grady – Aye



Councilman Cory Spotted Bear – Aye

**L. Life & Limb Policy Change –**  
*Item deferred.*

**XIV. JUDICIAL COMMITTEE – Councilman Fred Fox, Chair**

**A. Monthly Tribal Court Report– Wynona Traversie**

Presented information concerning financial, case loads, and recent break in..

**XV. EXECUTIVE COMMITTEE – Chairman Mark N. Fox**

**A. Hope Fragoza Emergency Financial Request**

**Motion:** Councilman Randy Phelan to approve emergency funding of \$500/ Segment and Chairman Budget for a total of \$3,500. Councilman Frank Grady seconded the motion

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

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

**B. Shayne Lone Bear Sponsorship – Mike Smith**

Mike Smith presented request for a financial sponsorship.

**Motion:** Councilman Frank Grady moved to approve a \$5000 Sponsorship Ambassador and Host Buddy for the Belonging Walk & feed amended to \$6000. Councilman Randy Phelan seconded the motion.

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

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

**XVI. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair**

**A. Education Trust Fund Report & Funding Request– B.J. Brady**

*Item deferred.*





**B. Mandan Language Contract Extension - Indrek Park**

**Motion:** Councilman Cory Spotted Bear moved to approve a contract extension. Councilman Randy Phelan seconded the motion.

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

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

**C. Nueta Hidatsa Sahnish College Funding Request - Twyla Baker-Demaray**

New housing development called Howard one and Howard Two. Development of lots at Sand Hill. Ready to use grant dollars and have a conversation with the Council to match dollars for construction of 4 units. Total development cost of \$239,000. 4 bedrooms might have one customized for one open space.

**Motion:** Councilman L. Kenneth Hall moved to approve the request of \$500,000 subject to availability of funding. Councilman Cory Spotted Bear seconded the motion.

Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. 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 Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye

**D. MHA Education Pipeline Funding Request - Deb Wilson/Lizz Yellow Bird**

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 16-198-LKH entitled "Approval of the Mandan, Hidatsa, and Arikara Nation Education Mentoring Pipeline Program Proposal funding for 2016-2018 Subject to the Budget Process and Funding Availability" subject to availability of funding and legal review. Councilman Cory Spotted Bear seconded the motion.

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

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



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

**E. Mandaree School/BIA Roads Garage Issue - Carolyn Bluestone**  
*Item deferred.*

**F. MLC Nonprofit - Jennifer Young Bear**

Medicine Lodge Confederacy & Running Wolf Survival School requesting \$388,000 for Phase II of project. Submitted budget, 10-year plan, and promotional movie clip.

**Motion:** Councilman L. Kenneth Hall moved to approve \$388,000 of support for the non-profit, subject to availability of funding and legal review with resolution. Councilman Randy Phelan seconded the motion.

**Vote:** 6 Ayes. 1 – Not Present. Motion carried.

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

**G. Reeboyz Organization Non-Profit Status - Waylon Good Left**  
Requesting start-up assistance in the amount of \$10,000.

**Motion:** Councilman Mervin Packineau moved to approve resolution no 16-197-LKH entitled “Issuance of Non-Profit Articles of Incorporation to the Ree Boyz Organization and Granting of Non-Profit Status” subject to Legal review. Councilman Randy Phelan seconded the motion.

**Vote:** 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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

**Motion:** Councilman Randy Phelan moved to approve \$5000 from the General Fund. Councilman L. Kenneth Hall seconded the motion.

**Vote:** 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.





Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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

Discussion: Councilman Mervin Packineau recommended that Councilman Fred Fox be given the opportunity to contribute \$5000 from his budget and if not for some reason then to return to the Tribal Business Council.

#### H. Orian Gillette Request

*Item addressed.*

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

Discussion of Election Board funding. Gevins Ranch needs new Resolution due to description error that included a parcel of land that should not have been included. The estate should be willing to reimburse us or reform the deed. Don't have deed for the additional 60 acres. John Fredericks discussed preliminary title commitment Scribner's errors in legal description for the fee to trust for the Buffalo Ranch property.

#### A. Robins Kaplin

**Motion:** Councilman Frank Grady moved to hire Legal Counsel NTE \$100,000 for the case against Paradigm. Including representation of Chairman Mark Fox and Law Enforcement Nelson Heart, Jr. and for Legal Dept. to represent the two plaintiffs also. Councilman Mervin Packineau seconded the motion.

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

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

#### C. Gevins Ranch

**Motion:** Councilman L. Kenneth Hall moved to approve amended resolution 16-199-LKH entitled "Request to the Secretary of Interior to acquire certain Tribal Fee Land into Trust on behalf of the Three Affiliated Tribes" with correct description. Councilman Mervin Packineau seconded the motion.



Vote: 5 Ayes. 1 – Not Voting. 1 – Not Present. Motion carried.

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

Discussion: Legal will investigate the tribes rights into the 6 acres left out of resolution and pursue separately for return of land or money. Healing Horse Ranch property. Approximately 60 acres.

**D. Buffalo Ranch Correction:**

Corrected Legal Description of the Buffalo Ranch.

**Motion:** Councilman Mervin Packineau moved for authorization for the TAT Chairman and Secretary signature authority to sign affidavit to correct the errors. Councilman Randy Phelan seconded the motion.

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

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

**E. Hobbs, Straus, Dean, and Walker- Six Mile Boundary Issue [1754]**

Legal services contract for current litigation for riverbed ownership and six mile boundary issue.

**Motion:** Councilman Randy Phelan moved to approve the resolution no. 16-200-LKH entitled "Approval of the Legal Services Contract Between Hobbs, Straus, Dean & Walker, LLP, and the Three Affiliated Tribes" in FY17 budget subject to Legal review. Councilman Frank Grady seconded the motion.

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

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





Discussion: Fredericks, Peeples, and Morgan to be the primary.

**VIII. NEW BUSINESS – Tribal Councilman Add Ons**

**A. Chairman Mark Fox –A&E Approval For Drug Treatment Facility.**

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 16-202-LKH entitled “Approving of Architect/Engineer Contract with Nelson Tremain Partnership for Drug Treatment Facility in Bismarck, North Dakota”. Councilman Randy Phelan seconded the motion.

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

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

**B. Chairman Mark Fox – Reserved**

**C. Councilman Frank Grady – Resolution to waive TERO Fees for the Four Bears Johnny Bird Veterans Memorial Hall:**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 16-201-LKH entitled “Approval of Waiver of the TERO Employment Rights Fee for Construction Contract – Thomas M. “Johnny” Bird Veterans Memorial Hall”. Councilman L. Kenneth Hall seconded the motion.

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

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

**D. Councilman Frank Grady – Reserved**

**E. Councilman Cory Spotted Bear – AH Inc. Bid Approval**

**Motion:** Councilman Frank Grady moved to approve low bid from AH Inc. Subject to TERO regulations. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye



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

**F. Councilman Cory Spotted Bear – Reserved**

**G. Councilman Mervin Packineau – Post Graduate Education Medicine:**

Re-admitted into the graduate program in Pharmacy at NDSU. Seeking docket funds to pay a previous bill at NDSU.

**Motion:** Councilman Mervin Packineau moved to approve Ken Gillies financial request for \$3,500 from Docket Funds for Post Graduate Education. Councilman L. Kenneth Hall seconded the motion.

**Vote:** 6 Ayes. 1 – Not Present. Motion carried.

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

**H. Councilman Mervin Packineau – Reserved**

**I. Councilman Randy Phelan – Kasen Johnson INFR Sponsorship**

**Motion:** Councilman Frank Grady moved to approve \$500 from each segment and the Chairman's office. Councilman Cory Spotted Bear seconded the motion.

**Vote:** 5 Ayes. 1 – Abstention. 1 – Not Present. Motion carried.

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

**J. Councilman Randy Phelan – Reserved**

**K. Councilman L. Kenneth Hall – NSCDC – Elgin Crowsbreast**  
*Item deferred.*

**L. Councilman L. Kenneth Hall – Reserved**

**M. Councilman Fred Fox- Reserved**





**N. Councilman Fred Fox- Reserved**

**XIX. CLOSED SESSION**

**A. TERO Audit – Al Nygard**

*Addressed.*

**B. PetroGulf**

*Item deferred.*

**C. Whiting Petroleum**

*Addressed*

**D. War Pony – Scoria Pit – Ron Brugh & Jeb McClair**

*Addressed.*

**E. Slawson Set-Back Issue–**

*Addressed.*

**F. H.R. – Barlow Wells & Cheryl Abe**

*Addressed.*

**G. TAT Law Enforcement Report– Chief Nelson Heart, Sarah Dogeagle, Grace Her Many Horses**

*Item deferred.*

**XX. ADJOURNMENT**

**Motion:** Councilman Randy Phelan moved to adjourn the meeting. Councilman Frank Grady seconded the motion. Meeting adjourned at 8:12PM

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman L. Kenneth Hall – Aye

Councilman Mervin Packineau – Aye

Councilman Fred Fox – Not Present

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye



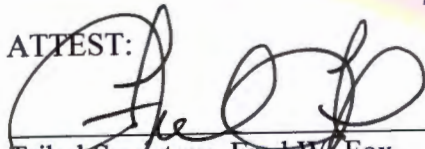
**CERTIFICATION**

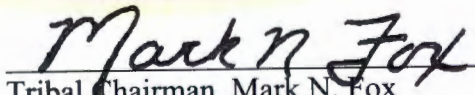
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 6 were present at the Continuation Meeting thereof duly called, notice, convened and held on the 3rd day of August 2016; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman  Voting     Not Voting

Dated this 11<sup>th</sup> day of May, 2017.

ATTEST:

  
Tribal Secretary, Fred W. Fox  
Tribal Business Council,  
Three Affiliated Tribes

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