



CALL TO ORDER:

Councilman Randy Phelan called the meeting to order at 10:55AM.

PRAYER:

Prayer by Councilman Frank Grady.

I. ROLL CALL:

Present: Councilman Frank Grady, Councilman Randy Phelan, Councilman Fred W. Fox. *Quorum established.*

II. APPROVAL OF AGENDA:

Motion: Councilman Fred Fox moved to approve the agenda as amended. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

III. APPROVAL OF MINUTES:

- March 3rd, 2016 NRC Meeting Minutes
- March 17th, 2016 NRC Meeting Minutes
- April 12th, 2016 NRC Meeting Minutes
- April 15th, 2016 NRC Meeting Minutes
- May 5th, 2016 NRC Meeting Minutes
- June 1st, 2016 NRC Meeting Minutes
- July 12th, 2016 NRC Meeting Minutes

Item deferred.

A. Steve Kelly – Pouch Point Invoice

Mr. Kelly stays at Pouch Point and submitted request to manage the property because of dissatisfaction over services. Was granted his request and worked on fixing roads by bringing in heavy equipment, laying down scoria and clay, and mowed grass. Submitted invoices in September to the CEO. Al Nygard, CEO stated that there were no contracts for roads or for electrical repair of damaged lines. The damage, he feels was done by his crew from the road grading. Mr. Kelly submitted additional claims that Al Nygard will review and return to the meeting with his recommendations.

Motion: Councilwoman Monica Mayer moved to approve the Steve Kelly invoices with concurrence and approval of the CEO and subject to negotiations with Steve Kelly. Councilman Fred Fox seconded the motion. Vote: 5-0-0. Motion carried.

III. H. Texx Lone Bear



A. Scoria Sale

Scoria purchase for the Buffalo Ranch.

Motion: Councilman Fred W. Fox moved to accept the scoria purchase. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

Motion: Councilman Fred W. Fox moved to rescind the previous motion. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: Councilman Randy Phelan will work with the contractors and return with a fair market value pricing for the next NRC meeting.

B. Twin Buttes Homesite in North Segment

Resolution presented to assign an Elbowoods housing home for the Twin Buttes segment. Councilwoman Monica Mayer discussed developing a property management team at North Segment to get ahold of the housing leasing and billing. In discussion with the CEO, it was determined that there was \$1.3 million in revenue from North Segment housing. Since the Twin Buttes office already has the house from previous years the issue can be tabled until North Segment has implemented its Property Management plan.

FTR: The Committee returned to this item and was in agreement on transferring ownership of an Elbowoods home to Twin Buttes Segment.

Motion: Councilwoman Monica Mayer moved to forward a resolution transferring home ownership to the February 8th, 2017. Councilman Cory Spotted Bear seconded the motion. Vote: 5-0-0. Motion carried.

C. BIA 12 and 15 Road Project

Seeking Councilman Randy Phelan's assistance with couple of land owners who will not sign for the Phase II of the project. Councilman Randy Phelan recommended setting up a meeting and see what the fair market value is. No Action.

D. Ken Thompson Mineral Surface Sale

Seeking \$600,000 for the sale, but the Committee refused and recommended that Mr. Thompson get an appraisal due to the high asking price. Texx Lone Bear recommends rejecting the offer due to lack of appraisal and referring the item back to Councilman Mervin Packineau for further review. Councilman Mervin Packineau & Texx Lone Bear thought the price was kind of high. No action.

E. Marita Silk Mineral Surface Sale



Seeking \$42,500 for a small interest of less than 75% of an acre. Appraised by the BIA at \$875/acre and \$1,100/acre for minerals. Texx Lone Bear recommends rejecting the offer. No Action.

F. Todd Hall Land Sale & Pasture Damages

1) Land Sale

Allotment 1815 consists of 300.61 acres next to Saddle Butte (.25 miles away) and asking for \$7000/acre and part of the Saddle Butte range is in a culturally significant area and surrounded by oil activity. Appraisal done about a year ago at \$700/acre and is completed and submitted to the BIA. The Tribe already owns the mineral rights. Councilwoman Monica Mayer stated that it would be about \$2.1 million for the surface.

Motion: Councilman Fred W. Fox moved to approve negotiations and forwarded to the February 8th, 2017 Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: The Committee made an offer of \$5000/acre. Caleb Dogeagle recommended an updated appraisal. Councilman Randy Phelan mentioned that there was some similar property. Texx Lone Bear will follow up on the land sale.

2) Pasture Damages

Pasture was damaged by stray buffalo from 2015-2016. Texx Lone Bear was unsure who was to process payment for damages to. Todd Hall stated that the pasture has rutted out holes and most of the fences torn down. The Committee was informed that the going rate for this grade of alfalfa runs about \$32/acre. The problem started out with just a few head lose in the pasture. The Program staff were notified but never addressed. Hay production has dropped drastically in the pasture. Todd Hall is seeking damages for 2 years in the amount of \$20,480. The pasture is located on 14894 sec. 35 and encompasses 320 acres.

Motion: Councilman Frank Grady moved to approval for payment of damages. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: Will need a letter describing how damages were assessed. Texx Lone Bear will do the paperwork and bring to Councilman Randy Phelan's office for processing.

G. Richard Hall Lot and Home Site Sale



Seeking \$100,000 for two lots of which one has a house on it for the two lots behind the old New Town water tower. He is having problems securing the abstract and has tried to get an appraisal but unable to find someone to come in. Councilwoman Monica Mayer stated that North Segment is interested in the property and willing to negotiate. The tribe owns the land west of the property. Councilman Fred W. Fox informed the Committee that the tribe has the Land Sale budget to cover purchasing costs.

Motion: Councilman Frank Grady moved to approve the North Segment representative to review the proposal and forward to the February 8th, 2017 Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: Councilwoman Monica Mayer will work with Richard Hall. Councilman Randy Phelan recommended Marty Knutson from Dickenson.

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H. Public Works Update - Justin Spotted Bear, Director

Provided monthly program update. The Committee was informed by the Director that the department employees three staff and monthly staff meetings are conducted. They are working to pool resources with other departments due to the budget cuts by consolidating operational services; collections for solid waste fees and septic services. Public Works is developing a flat rate for utility services. Mr. Spotted Bear stated that at this time all waste is taken off reservation for deposal due to costs. Councilman Randy Phelan would like to develop a tribal waste facility on the reservation. Staff are training to get certified as Land Fill Operations

1) Project 1 – Twin Buttes & White Shield Lagoon Reclamations

White Shield reclamation funding is good from the Tribe. 1 million for five cell in White Shield and two cells in Twin Buttes and would like to bid out as one project. The Segments are contributing to the cost of the project. The old Twin Buttes lagoon would need a survey and cost about \$400,000. No more I.H.S funding is the reason for the tribal funding request.

Motion: Councilman Cory Spotted Bear moved to forward the Twin Buttes & White Shield Lagoon Reclamations Project to the February 8th, 2017 Tribal Business Council meeting. Councilwoman Monica Mayer seconded the motion. Vote: 5-0-0. Motion carried.

2) Project 2 – Mandaree

The project has \$625,000 from the I.H.S for sewer main replacement but awaiting on the 50% tribal match to get started with the project. Another project issue is that street run off is running through the treatment system



and taxing the capacity of the system. I.H.S. recommends a holding pond to solve the problem.

Motion: Councilman Fred W. Fox moved to forward the Mandaree Sewer Pipe Replacement with 50/50 match of \$625,000 to the February 8th, 2017 Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 5-0-0. Motion carried.

Discussion: Mr. Spotted Bear informed the committee that the Black Eagle Lift Station was constructed with sub-adequate specifications. He recommended these projects be combined with the Mandaree sewer main replacement. As a discussion of funding possibilities the I.H.S SDS Deficiency System was mention for 2018.

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I. Verizon Wireless Signal Expansion - Deborah Brown

Mike Herman, Contractor with SMJ International/Verizon is seeking approval for lease of space in the 4 Bears Casino parking lot to install a 4-node Small Cell (hot spots) to improve cell phone signal capacity, service and connectivity. Currently service is provided by the macro site tower on Sanish hill and have logged a large increase in the volume of traffic in the Casino area. The new equipment would utilize Casino parking lot light poles and one additional wooden pole. Councilman Randy Phelan expressed concerns over tribal rights and exerting its sovereign right to air space or bandwidth within the reservation. The offer to the Casino is \$125/pole/month and \$125/month for electricity. Legal will review the offer and bring back to the February 8th, 2017 Tribal Business Council meeting.

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J. Home Sites - Valeri Hosie

• **Truby Stiff Arm/ Monica Stiff Arm**

Block 4, Lot 6 & 7 in the Van Hook area. Mother is seeking to lease a Homesite for her daughter Monica, who is not enrolled (Monica's' children are enrolled). Trudy already has a home site in the Four Bears area and Monica already has a trailer on the lot that sits on trust land with no lease. Monica Stiff Arm purchased the trailer from an Elbowoods doctor that was granted use of the lot through the Clinic. Texx Lone Bear stated that no one is living in the trailer. Discussion of the Home Site policy and members having more than one home site. Councilwoman Monica Mayer recommended an amendment to the Home Site policy and return with a resolution to the February NRC.

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K. Farm/Pasture Leases - Diana Americanhorse



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
NATURAL RESOURCE COMMITTEE
JANUARY 30th, 2017 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

Presented 11 renewal leases. Councilman Fred W. Fox expressed concerns over leases in White Shield would not approve any until leases are put out to bid.

- 1) **Tom Bruer** - Allotment 213A-A. No Action.
- 2) **Hollis Blake** - Four Bears Area. 567-A-E. 69.7 pasture acres/\$11. \$766.70 total.

Motion: Councilman Frank Grady moved to forward approval to the February 8th, 2017 Tribal Business Council meeting. Councilman Fred W. Fox seconded the motion. Vote: 4-0-0. Motion carried.

- 3) **Darren Jo Myrick** – Parshall Area. Tribal track T483-A, T483A-A. \$5/acre.

Motion: Councilman Fred W. Fox moved to forward approval @ \$11/acre to the February 8th, 2017 Tribal Business Council meeting. Councilman Fred W. Fox seconded the motion. Vote: 4-0-0. Motion carried.

- 4) **Chad Pennington** (non-enrolled) – North Segment. Tribal track 407A-A, A-B. 177 crop acres at \$38/acre. Councilwoman Monica Mayer recommends opening up for bid for enrolled members. Texx Lone Bear recommends putting every out to bid. Councilman Randy Phelan instructed the Director to put them out to bid with tribal preference.
- 5)
- 6) **Weston Shettler Renewal** – To be put out to bid.

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L. Fort Berthold Rural Water (FBRW) - Cami Gosnell, Director

1) Water Connections

List has been sent to the BOR but she also wants to conduct community meetings to get the applications out. The Program will only be paying for household Rural Water connections. The Program is seeking alternative contractors to get the backlog of people connected. Councilman Randy Phelan stated that some have been waiting 5 years and he is using his own contractors. FBRW is currently developing a certified contractor list.

Motion: Councilman Fred W. Fox moved to approve submitted household applications/hookups. Councilman Frank Grady seconded the motion. Vote: 4-0-0. Motion carried.

Discussion: Elders, homes families, then just home water are prioritized. Councilman Randy Phelan expressed that Chandee Chase, Dianna Black



Hawk, Veronica Serdahl have been waiting for over five years to be hooked up to water. Cami Gosnell will add them to the list. Councilman Randy Phelan has contractors ready to go when approved. Councilwoman Monica Mayer asked that water to be tested in the New Town area due to health concerns from salts.

2) Program Update

The Director will be visiting with each segment. The Director informed the committee that the Twin Butte's water plant was broken into and vandalized and were messing around with the chemicals. She will be installing security cameras at all the treatment plants and areas. We are also working on changing the locks. The Program was given \$750,000 from the Chairman's budget for Water Treatment Plant equipment but was zeroed (Fund-0184) out by the CFO's office. Al Nygard discussed Federal funding that is not drawn down. The Director informed the Committee that an enrolled member, Pem Hall, retired engineer is seeking tribal employment and the Director would like to hire him to develop pipeline standards. The Duane Fox trailer home freeze-up repair has gone unpaid and she does not have the budget. The Director expressed her concerns about charging tribal members fees for water grant free under treaty rights. Discussion of overuse of pasture taps and limiting capacity.

M. Flickertail Payment - Doyle Bell, Director ⁽¹⁾
Item deferred.

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N. Valentine's Day Round Dance Request – Clair Fox
Requesting \$18,000 for the two day cultural event.

Motion: Councilman Cory Spotted Bear moved to forward to the February 8th, 2017 Tribal Business Council meeting. Councilman Frank Grady seconded the motion. Vote: 5-0-0. Motion carried.

IV. CLOSED SESSION:

V. ADJOURNMENT:

Motion: Councilman Fred W. Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 3:35PM.

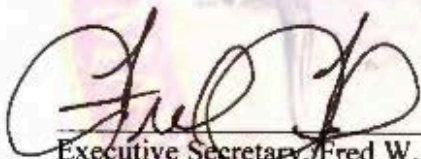


THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
NATURAL RESOURCE COMMITTEE
JANUARY 30th, 2017 MINUTES

CERTIFICATION

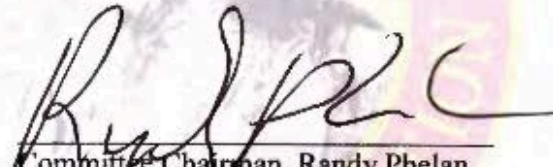
I, the undersigned, as Committee Chairperson of The Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Natural Resources Committee is composed of three (3) members and of whom three (3) constitutes a quorum of 3 were present at the meeting thereof duly called, notice, convened and held on the 30th day of January, 2017 that the foregoing Minutes were duly adopted at such meeting by the affirmative vote of 4 members; 0 members opposed; 0 members abstained; 0 members not voting.

Dated this 22nd day of February, 2017.



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

ATTEST:



Committee Chairman, Randy Phelan
Tribal Business Council
Three Affiliated Tribes