



**CALL TO ORDER:**

Chairman Mark N. Fox called the meeting to order at 11:05AM on 2/8/2017.

**OPENING PRAYER:**

Prayer by Kevin Finley on 2/8/2017. Sally White provided the prayer on 2/9/2017.

**ROLL CALL:**

*Present:* Councilwoman Monica Mayer, Councilman Cory Spotted Bear, Councilman Mervin Packineau, Chairman Mark N. Fox, Councilman Frank Grady (Absent), Councilman Randy Phelan, Councilman Fred W. Fox. *Quorum established.*

*FTR: Present 2/9/2017: Councilman Fred W. Fox, Councilman Randy Phelan, Councilman Frank Grady, Chairman Mark N. Fox, Councilwoman Monica Mayer.*

**I. APPROVAL OF AGENDA:**

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

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

2/9/2017

***Motion:*** Councilman Randy Phelan moved to approve agenda as modified. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Not Voting  
Councilwoman Monica Mayer – Aye



## II. APPROVAL OF MINUTES:

- November 9<sup>th</sup>, 2016 Special Minutes
- November 22<sup>nd</sup>, 2016 Regular Minutes
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**Motion:** Councilman Randy Phelan moved to approve the November 2017 Tribal Business Council minutes. Councilman Fred W. Fox seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Present  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

- December 12<sup>th</sup>/14<sup>th</sup>, 2016 Regular Minutes
- January 12<sup>th</sup>, 2017 Special Minutes
- January 23<sup>rd</sup>, 2017 Special Minutes

## III. SPECIAL GUESTS – ELDERS:

### A. **New Town High School Senior Class**

The group has raised \$5,300 this year previously \$23,100. Total cost of the trip is \$47,817 for their Senior trip to New York City for 20 students and 4 chaperones. This amount does not include meals and will be about \$20,000 short.

**Motion:** Councilman Randy Phelan moved to approve \$20,000 for the Senior Class Trip. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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### B. **Xo'Shga Ride Documentary**

Original MHA investment was made in the amount of \$10,000 and \$2000 in a personal investment. \$25,000 is needed to complete the documentry. The presenter is offering the right of first refusal to



the Tribe for investment and proprietary rights. She noted there is interest from Netflix and PBS and may also do CrowdFunding. Chairman Mark N. Fox recommended interviewing some of the Council members. Councilman Randy Phelan spoke in the Hidatsa language to the Xo'Shga in the audience to decide today about their story. Chairman Mark N. Fox believes the Xo'Shga have the proprietary rights to this documentary. Councilman Randy Phelan provided a history of the original Xo'Shga band and recommended that a committee provide direction as to the decision.

**FTR:** Councilman Mervin Packineau joined the meeting at 12:48PM.

**Motion:** Councilman Fred W. Fox moved to approve \$25,000 for the film completion and right subject to Xo'Shga committee approval. Councilman Randy Phelan seconded the motion.

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

**Discussion:** Also seeking normal day rates to be taken from the profits in the amount of \$24,000 for herself and the crew for sweat equity. Caleb Dogeagle will review.

#### **EXECUTIVE COMMITTEE REPORTS**

**FTR:** Councilman Frank Grady joined the meeting at 11:30AM.

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

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

Chairman Mark N. Fox presented a summary of upcoming events such as the Parshall Ice Skating rink dedication. Federal Partners meeting discussion concerning TERO with the changes made to the ordinance. Reaffirmed position to back the Standing Rock Sioux Tribe in their pipeline position and the protest camp. Chairman Mark N. Fox provided an update as to the cleanup at the protest camp. [2-9-2017]. Legislature update. BLM methane run letter to Sen. Heitkamp letter retaining bill with conditions as to not treat tribal trust lands a federal public lands. Submitted objections concerning the new EPA Secretary submitted to Sen. Heitkamp. Welcomed everyone to take part in the upcoming Polar Plunge event to raise funds for Cancer Awareness. Important meeting with North Dakota DPI. Veterans and tribal leaders heading to the Ira Hayes Iwo Jima Memorial Parade event on the 25<sup>th</sup>.

**FTR:** Councilman Cory Spotted Bear joined the meeting at 11:35AM.



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

**A. Report**

Discussed a successful Federal Partners meeting, the return of shore land & lakebed acres to the MHA Nation, upcoming COLT meeting, and the NCAI Quarterly meeting, upcoming meeting with Congressman Kevin Cramer, and Valentines Dance 17<sup>th</sup>-19<sup>th</sup>. Keeping watch on the current legislation on the Federal & State level. Also Waterbuster Dance on Saturday.

**VI. SECRETARY'S REPORT – Councilman Fred W. Fox**

**A. Report**

Discussed a web site for the Records Office for minutes & resolutions with historical documents with Records Office for transparency and will work with the Tribal Business Council for content. Law Enforcement Trans-jurisdictional meeting on the 21<sup>st</sup> with various groups from the Federal, State, County City, and Tribal in Bismarck.

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

**A. CFO Report – Whitney Bell**

Submitted Expense Report through December 2016. Still on track for overall expenses at about 36%. A few large items still pending. \$245 million budget with 28% spent. Largest pending expenditures would include projects like BIA 12, \$2.5 million for North Segment and the insurance payment.

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**1) Draw Down Resolution**

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-031-FWF entitled "Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL7228700 in the Amount of \$15,800,000.00. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Not Voting

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Not Voting

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

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**2) RSM Financial System Agreement.**

**Motion:** Councilman Fred W. Fox moved to approve the RSM Agreement conduct 2016 audit as required by law. 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 Present  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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### 3) Finance Employee Recognition

**Motion:** Councilman Randy Phelan moved to approve 4 individuals in Finance for a one time internal recognition incentive of \$500 each. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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### 4) Investment Advisors Funds Transfer

**Motion:** Councilman Randy Phelan moved to approve utilization the two of the companies that are most responsive with moving funds. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Councilman Randy Phelan stated the reasoning is to get better interest rates and competition.

Councilman Cory Spotted Bear asked for a status report concerning the Home Mortgage program. \$4.4 million for the Home Mortgage program that included new rules to tighten up cash flow.

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



*See Closed Session.*

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**C. Small Loans – Mary Ellen Sun**

**Motion:** Councilman Randy Phelan moved to approve Group A: applications (13) subject to Small Loans Policies & Procedures with collateral on file. Councilman Fred Fox seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**Motion:** Councilman Cory Spotted Bear moved to approve Group B: application (1) subject to Small Loans Policies & Procedures and reconciliation of current loan. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Abstained  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Seeking for the difference of the reconciliations.

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**Motion:** Councilman Randy Phelan moved to approve the ratification of the loans by Executive Action. Councilman Fred W. Fox seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan –  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Abstained  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye



VIII. **OFFICER REPORTS:**

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

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**Motion:** Councilwoman Monica Mayer moved to approve Melda Lambert assistance for nursing home assistance for the amount of \$16,227 to Mountrail Bethel Home. Councilman Frank Grady seconded the motion. Motion carried.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Not Voting  
Councilman Mervin Packineau – Not Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Chairman Mark N. Fox noted that Councilwoman Monica Mayer will be taking the lead on developing plans for a nursing home on the reservation.

**Motion:** Councilman Randy Phelan moved to authorize Chairman Mark N. Fox to negotiate a contract for a new Tax Commission Director. 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 Fred Fox – Aye  
Councilman Mervin Packineau – Not Present  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

1) **Tax Department** – *Stephanie Hall Thomas, Interim Tax Commission Director* <sup>2/9/2017</sup>

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-014-FWF entitled “Approval of 39 Applicants for Enrollment into the Three Affiliated Tribes”. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye



Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* The Tribal Business Council asked that the reports be broken down by segment, elders, and school aged children. Total 15,426 members.

## VIII. UNFINISHED BUSINESS

### A. **Marathon as Lead Operator on BIA Route 2**

B. - *Removed*

C. **Adult Detention Contracts - Titus White Body**  
*Item deferred.*

D. **Communications Quote - Cliff Whitman**

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\$28,000 radio repeater for MHA Law Enforcement facilities throughout the reservation that is not in current budget and working on funding through Grants & Donations. Will continue to seek external funding and return in April after grant deadlines.

E. **High Risk Pregnancy - Jennie WhiteOwl**

*Item deferred.*

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F. **Acupuncture Treatment & Massage Therapy Clinics/Safe Haven Homes - Marilyn Young Bird**

Seeking approval of two Professional Services Agreement for Colorado Health and Fitness of Morrison, Colorado that will cover the cost of \$6000 for airfare and lodging for Breast Cancer and Diabetes event. Councilman Fred W. Fox discussed a tribally run state of the art cancer center in Puyallup Washington that included alternative methods such as this item for tribal members. The seconded agreement is asking for \$18,000 per segment event during June 2017.

**Motion:** Councilwoman Monica Mayer moved to approve the Professional Services Agreement for the April 20-22, 2017 Event. Councilman Mervin Packineau seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye





*Discussion:* The seconded item was deferred with review of the budget for further consideration.

**G. Child Protection Services/EMHC – Deb Young Bear**  
*Item deferred to March.*

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**H. NATI Conference - Kathy Felix**

16<sup>th</sup> Annual ND Indian Child Welfare & Wellness Conference, which, will be held on February 22 – 24, 2017

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 17-026- FWF entitled “Financial Assistance Request from the Native American Training Institute, a Tribally-Chartered Entity of the MHA Nation”. Councilman Frank Grady seconded the motion.

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

*Discussion:* To be paid from fund 380.

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**Motion:** Councilman Fred W. Fox moved to approve the support for and cooperation with the Colorado School of Mine’s NSF CRISP Grant solicitation subject to confidentiality agreement & MHA listed as grantee. 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 Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* No monetary requirement. Chairman Mark N. Fox wants the MHA Nation listed as the recipient. Councilwoman Monica Mayer would like agreements in place such the Confidentiality agreement.

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**I. Tribal Insurance Organizational Chart – Daryl Bearstail**



Tribal-Care Insurance representatives presented a report of recent activities. Discussion of cost savings to the Tribe and possible refusal to accept Boon Insurance at Sanford. Possible tax ramification, coverage by multiple plans, transfer from BC/BS to Boon Insurance. Councilman Mervin Packineau asked that they work with Thunder Cloud for glasses. Discussed the MyHealthPass/TeleDoc program that is not utilized enough.

**Motion:** Councilman Frank Grady moved to approve Tribal-Care as Insurance provider to the end of the year (December 2017) and report monthly to the Health Committee. Councilman Randy Phelan seconded the motion.

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

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**Motion:** Councilman Frank Grady moved for direct supervision of Daryl Bearstail for time and management through the Chairman's Office. Councilwoman Monica Mayer seconded the motion.

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

*Discussion:* Will continue to present reports to Health Committee.

**J. Roads Agreement**  
*Item deferred.*

**IX. MEDICAL REQUESTS**

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**A. Holly Fox Lactic Eye Surgery Request**

**Motion:** Councilman Fred W. Fox moved to approve medical assistance for Holly Fox at 50% of request of \$4,300 for \$2,150. Councilwoman Monica Mayer seconded the motion.



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

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**B. Finley Plenty Chief Request**

Requesting financial assistance in the amount range of \$1,500 to \$1,600 for living expenses. Mr. Plenty Chief lives off the reservation in Grand Island, Nebraska.

**Motion:** Councilman Cory Spotted Bear moved to approve \$200 from each segment office and the Chairman's Office. Councilman Frank Grady seconded the motion.

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

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**C. Marietta Heart**

Seeking assistance for 21 year old son Trent Flynn under Life & Limb for treatments in Fargo, Mayo or Denver. Received \$300 the Grants & Donations Life & Limb grant.

**Motion:** Councilman Fred W. Fox moved to approve \$1,500 from Life & Limb 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 Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Chairman Mark N. Fox asked the family to also provide a letter of future needs and the program will continue to assist.



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**D. Ty Hall – Richard Hall**

Richard Hall presented request for brother Ty Hall seeking assistance donating his sick and annual leave for the long term employee of the tribe and asking others to help in the same way and continue enrollment in his work insurance plan. Mr. Hall is a long term MHA employee who is currently at Mayo for medical treatments.

**Motion:** Councilwoman Monica Mayer moved to approve a total amount of \$2,500, with \$1,500 to the family (Richard Hall as Family Contact) to assist family members with travel and \$1000 to Ty Hall. Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** The assistance is to be run through the Grants & Donations Office.

**COMMITTEES OF THE TRIBAL BUSINESS COUNCIL**

**X. ECONOMIC DEVELOPMENT COMMITTEE – Councilwoman Monica Mayer**

**A. Business Loans – Toni Starr, Director**

*Item deferred to March. (1)*

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**B. Consultant Contract – Lawrence Baker, Housing**

**Motion:** Councilwoman Monica Mayer moved to approve Lori Pemberton-Fredericks FY2017 Consultant Contract not to exceed \$40,000 subject to Legal review. Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye



Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**C. MHA Tourism Interpretive Center Bids – Delphine Baker**

Presented a MHA Interpretive Center Architectural & Engineering Design proposal. After meeting it was determined to advertise for bids for a month with 40 requests and 11 proposals submitted. Returned to Economic Committee and they forwarded DSGW of Lake Elmo, MN. to the Tribal Business Council for approval. Councilwoman Monica Mayer expressed concern with how long the project is taking to complete and taking the budget each year.

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**Motion:** Councilman Mervin Packineau moved to Delphine Baker to remain as Director and to report to the Economic Committee as its own Department. Councilwoman Monica Mayer seconded the motion.

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

**Discussion:** Chairman Mark N. Fox expressed concern over not advertising the position. Chairman Mark N. Fox recommended beginning a public relations campaign and similar public information activities to get the story out.

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**Motion:** Councilman Mervin Packineau moved to approve resolution 17-039-FWF entitled “Award to DSGW Architects for Architectural and Engineering Services of the MHA Nation Interpretive Center and Amphitheater.” Councilwoman Monica Mayer seconded the motion.

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

**XI. JUDICIAL COMMITTEE – Councilman Fred W. Fox, Chair**

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- A. Tribal Court Report – Wynona Traversie, Court Administrator & Elizabeth Yellow Bird-Demaray**  
Presented monthly report and organizational report. Discussion of the Public Defender at full time for 90 days and to be advertised.

**Motion:** Councilman Fred W. Fox moved to approve Timothy Wilhelm as the acting Public Defender for 90-days at \$96,000/year. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Councilman Fred W. Fox asked the Director to insure that the position is advertised.

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**Motion:** Councilman Fred W. Fox moved to authorize Councilman Fred W. Fox & Chairman Mark N. Fox to negotiate a new contract with Nick Lewis Special Prosecutor Contract. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** New contract within a month. 6 of the 7 positions filled from the priority list presented previously. Also consultants contracted to work on the case back log. Chief Clerk of Court position is still vacant with one possible applicant. Recommendation to not place Warrior of the 21<sup>st</sup> Century program workers in the Court. Asked that the Chief Judge position be advertised on the MHA Nation web site.

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- B. 72<sup>nd</sup> Iwo Jima Flag Raising (Unit 300) – Alva Irwin**

Event is taking place on Feb 25<sup>th</sup>, 2017 in Gila River. Seeking assistance for hotel rooms for 3 attendees for \$1,626. Chairman Mark N. Fox asked that the request be standard for tribal members that are veterans and ladies Auxilery



**Motion:** Councilman Mervin Packineau moved to approve \$1000/tribal member veteran or Ladies Auxilery that will be attending the event with Alva Irwin as the point of contact to verify attendance. Councilman Fred W. Fox seconded the motion.

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

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**C. Art Smith Pow Wow – Doris Fox**

Seeking assistance for the 4<sup>th</sup> annual 83<sup>rd</sup> Annaul Birthday Celebration to be held March 24-26, 2017. They are working to raise \$82,926 and have raised about \$10,000.

**Motion:** Councilman Mervin Packineau moved to approve according to policy \$9000/day for 3 days. Councilman Fred W. Fox seconded the motion. Councilman Fred W. Fox seconded the motion.

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

**D. New Town High School Senior Class**

Adressed under Special Guest.

**E. Domestic Violence Budget/Staffing – Sadie Young Bird**  
*Item deferred to March (1)*

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**F. SAUSA Grant Resolution – Caleb Dogeagle**

Action created that Sadie Young Bird developed. Jen Cross to represent with resolution at the next meeting.



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

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

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**A. Consultant Contract - Jerome Dancing Bull**  
Childcare Licensor for the MHA Nation

**Motion:** Councilman Cory Spotted Bear moved to approve Consultant Contract between the Three Affiliated Tribes and Sandra Kay Moon. Councilman Fred W. Fox seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**B. Institutional Research Code – Dr. Twyla Baker-Demaray**  
*Item deferred to March (1)*

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**C. Mandaree Education Assistance**

Councilman Randy Phelan stated the main emphasis is for student on suspension or receiving late funding. Chairman Mark N. Fox expressed concern with duplication of services. Councilwoman Monica Mayer asked that we will need to use caution so as to not push these students over their financial unmet need. Councilman Randy Phelan stated that it can be used as pilot program and will bring back the results.

**Motion:** Councilman Fred W. Fox moved to approve moved to approve the Mandaree Education Assistance program with funding from the West Segment budget. Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye





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

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**A. Elbowoods Clinic – Dr. Kathy Eagle, CEO**

Dr. Eagle presented a written report to the Tribal Business Council. Provided additional information on Flu Season and recommended people get their flu shots. Exploring DHHS National Quality Improvement Center for Preventive Services in Indian Country grant concerning youth trauma and suicide. Grant due on March 8<sup>th</sup> for \$100,000,000 for five years.

**Motion:** Councilman Fred W. Fox moved to approve seeking the DHHS National Quality Improvement Center for Preventive Services in Indian Country grant subject to Legal review & resolution. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**Motion:** Councilman Fred W. Fox moved to approve Dr. Taylor-Desir Contract one year renewal. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**XV. NATURAL RESOURCES COMMITTEE – Councilman Randy Phelan, Chair**

**A. Homesite(s) - Valeri Hosie**

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**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 17-015-FWF entitled “Consent to Survey Certain Tribal land for the Laramie Serdahl Home Site - West Segment”. Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye



Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**B. Farm/Pasture Leases - Diana Americanhorse**  
*Item deferred.*

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**C. TAT Homesite Transfer to Twin Buttes Office.**

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 17-032-FWF entitled "Approval for transfer of responsibility on house and lot, located in Elbowoods Housing Development Phase 1, to the South Segment". Councilman Fred W. Fox seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Twin Buttes will pay the property taxes & maintainance.

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**D. Todd Hall Land Sale.**

Discussion of requiring renewing the appraisal for the trust property near Saddle Butte. Mr. Hall is seeking \$4,250/acre for 300 surface acres. Mr. Hall was unhappy with the previous appraisal that did not consider the aesthetic value of the properties location next to the culturally significant location. Chairman Mark N. Fox recused himself from the discussion and Councilman Randy Phelan lead the negotiation. The Tribal Business Council counter offered \$4000/acre for about \$1.2 million.

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 17-033-FWF entitled "Todd Hall Land Sale to the Three Affiliated Tribes". Councilwoman Monica Mayer seconded the motion.

Vote: 6 Ayes. 1 – Abstained. Motion carried.

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



Councilwoman Monica Mayer – Aye

**E. Richard Hall Lot and Home Site Sale**

*Item deferred to March (1)*

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**F. Set Back Exception Resolution**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-037-FWF entitled "*Amending the Oil and Gas Production Structure Setback Act*". Councilman Fred W. Fox seconded the motion.

Vote: 6 Ayes. 1 – Opposed. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Opposed  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 17-038-FWF entitled "*Amending the Missouri River Badlands and Sacred Sites Protection Act, Concerning Variances*". Councilman Randy Phelan seconded the motion.

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

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**G. Twin Buttes & White Shield Lagoon Reclamation Project - Justin Spotted Bear**  
Community improvement project to reclaim abandoned lagoons.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 17-034-FWF entitled "*Approval of funding for the reclamation of the old White Shield Lagoons, Project AB-14-S59*" subject to budget. Councilman Fred W. Fox seconded the motion.

Vote: 6 Ayes. 1 – Not Voting. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye



Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-035-FWF entitled "Approval of funding for the reclamation of the old Twin Buttes Lagoon, Project AB-06-R58" subject to budget. Councilman Randy Phelan seconded the motion.

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

*Discussion:* Project cost of \$410,000.

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**H. Mandaree Sewer Pipe Replacement Funding Match - Justin Spotted Bear**

\$625,000 Federal funding with a 50/50 match with the Tribe. Justin Spotted Bear recommended prioritizing the Mandaree Project budget due to funding deadline.

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 17-036-FWF entitled "Authorization for funding the Mandaree Sewer Main Replacement, Project AB-15-F68" subject to budget. Councilman Fred W. Fox seconded the motion.

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

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**I. Valentine's Day Round Dance Financial Request**

**Motion:** Councilman Randy Phelan moved to approve the \$18,000 financial request. Councilman Fred W. Fox seconded the motion.



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

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**J. Athletic Commission Appointment – Kenny Lyson**

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-016-FWF entitled “*Appointment of Mandan, Hidatsa, and Arikara Nation Commission of Athletic Regulation Commission Members (MHACAR)*”. Councilman Randy Phelan seconded the motion.

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

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**K. Oil & Gas**

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-017-FWF entitled “*Consent to a Right-of-Way across Tribal land for the Enerplus’ Sewing East Well Connect Submitted by Crestwood.*” Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-018-FWF entitled “*Consent to a Right-of-Way across Tribal land for the Enerplus Native Birds North Well Connect Submitted by Crestwood.*” Councilwoman Monica Mayer seconded the motion.



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

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-019-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Halcon Phoenix Well Connect Project Submitted by Crestwood*”. Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-020-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Enerplus Grains Well Connect Project Submitted by Crestwood*”, subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-021-FWF entitled “*Consent to Approval of Right(s) of Way Request by Marathon Oil Company for the Jones Road Expansion and Multiuse Corridor Project.*” to include Allotment 1010A, located in the NWSW of Section 27, T151N-R94W, of the 5th P.M., McKenzie County, ND“ Councilwoman Monica Mayer seconded the motion.

Vote: 6 Ayes. 1 – Not Voting. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting



Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-022-FWF entitled “*Consent to Approval to Modify Right-of-Way No. FBOG100124 Requested by Marathon Oil Company for the Jones Road Pipeline Project for a 30’ Pipeline Right-of-Way for up to Four Pipelines, for Oil, Gas, Produced Water, and Petroleum Byproducts, across Allotment 1010A located in the NWSW Section 27 of Township 141 North, Range 94 West, of the 5th P.M., McKenzie County, ND*”. Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-023-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the Jerome Pipeline Project Submitted by Marathon Oil Company.*” Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-024-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land for the The Bear Ghost 31-4H Project Submitted by Targa Badlands, LLC.*” Councilwoman Monica Mayer seconded the motion.

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



Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-025-FWF entitled “*Consent to Modification of a Right-of-Way across Tribal land for the Moccasin Creek 13-34-28-2H Project Submitted by Whiting Oil and Gas Corporation.*” Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-028-FWF entitled “*Consent to Approval of a Right-of-Way across Tribal land that is .248% Percent Tribal Interest to a Tract for the Van Hook Gathering System Southwest Expansion Project Submitted by WPX Energy Williston, LLC*”, subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**L. Pipeline Authority – Travis Hallam**

Presenting for his department approval or concurrence before going to Tribal Business Council.  
Will return for a closed session issue.

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**M. FBRW - Cammi Gosnell**

Requesting supplemental funding for an enrolled member Pem Hall, Engineer willing to work for \$50/hr.

**Motion:** Councilman Fred W. Fox moved to contract Pem Hall subject to Legal review.  
Councilman Frank Grady seconded the motion.





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

*Discussion:* Chairman Mark N. Fox discussed utilizing him for the Water Commission. \$170,650 for salary at 2080 hours.

*Motion:* Councilman Fred W. Fox moved to approve Camila Gosnell supervision through the NRC Chairman & Councilwoman Monica Mayer. Councilwoman Monica Mayer seconded the motion.

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

*Discussion:* Chairman Mark N. Fox recommends the Federal Programs Officer as the supervisor. Al Nygard expressed concern over Directors reporting to committee and not the Federal Programs program and expressed if this is the way it's going to go then you don't need us on the management side. Councilman Randy Phelan expressed caution when dealing with Federal dollars.

#### **N. Refinery Crude Storage**

### **XVI. LEGAL DEPARTMENT – Caleb Dog Eagle, Esq., MHA Supervising Attorney**

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#### **A. MHA Nation Supreme Court Justices**

*Motion:* Councilman Fred W. Fox moved to approve resolution no. 17-043-FWF entitled “Appointment of Special Alternate Justices for the M.H.A. Nation Supreme Court”. Councilman Randy Phelan seconded the motion.

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



Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

## B. Chief Prosecutor Contract Renewal

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## C. Moving Expenses

**Motion:** Councilman Fred W. Fox moved to approve resolution no. 17-043-FWF entitled “Authorization for and Directive to the Three Affiliated Tribes 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 Jennifer Cross.” Councilman Frank Grady seconded the motion.

Vote: 4 Ayes. 2 – Abstentions. 1 – Not Voting. Motion carried.

Chairman Mark N. Fox – Abstained  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Abstained  
Councilwoman Monica Mayer – Aye

**Discussion:** Caleb Dogeagle noted that the amount is available in his budget.

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## D. University of Colorado pro bono Work

University of Colorado Law School’s American Indian Law Clinic and the Mandan, Hidatsa, and Arikara Nation with respect to the provision of legal services on a *pro bono* basis for the project.

**Motion:** Councilman Fred W. Fox moved to approve an agreement between the University of Colorado Law School’s American Indian Law Clinic and the Mandan, Hidatsa, and Arikara Nation for provision of legal services with Carla F. Fredericks is the Supervising Attorney. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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## E. UN Special Rapporteur



Meeting on Sunday in Denver and Tuesday the 28<sup>th</sup> at Fort Berthold concerning Indigenous rights and Oil & Gas.

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**F. UTTC Gaming Association resolution**

**Motion:** Councilman Frank Grady moved to approve resolution no. 17-044-FWF entitled “*Incorporation of United Tribes Gaming Association Corporation, a Non-profit Entity*”. Councilman Randy Phelan seconded the motion.

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

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**G. CJ Stewart Support**

**Motion:** Councilwoman Monica Mayer moved to approve resolution no. 17-042-FWF entitled “*Supporting Conrad James (“CJ”) Stewart in Consideration for a Position in the Department of the Interior*”. Councilman Fred W. Fox seconded the motion.

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

**H. Traffic Fine Increase**  
*Item deferred.*

**I. North Segment Board Appointments**  
*Item deferred.*

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

- A. Chairman Mark Fox – *Reserved***
- B. Chairman Mark Fox – *Reserved***



**C. Councilman Frank Grady – Reserved**

**D. Councilman Frank Grady – Reserved**

**E. Councilman Cory Spotted Bear – Emergency Assistance for Fire**

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**Motion:** Councilman Cory Spotted Bear moved to approve standard fire Assistance Ashly Lincoln-Olander for the complete loss of their home. Standard amount as provided by resolution and additional assistance up to \$2,500 from Councilman Cory Spotted Bear's budget. Councilman Mervin Packineau seconded the motion.

Vote: 7 Ayes. Motion carried.

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

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

**G. Councilman Mervin Packineau – Les Yellow Wolf**

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Seeking to refinance his 20 year home mortgage with 1<sup>st</sup> International Bank & Trust home mortgage program through the Tribes that originally financed at \$409,000. The home now assesses now at \$440,000 now with equity.

**Motion:** Councilman Fred W. Fox moved to approve Home Mortgage for Les Yellow Wolf subject to Home Mortgage Guidelines. Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Aye

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Not Voting

**H. Councilman Mervin Packineau – Reserved**

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**I. Councilman Randy Phelan – Sacagawea Project (Closed Session)**  
*Addressed*

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**J. Councilman Randy Phelan – Dispatch Center**



**Motion:** Councilman Fred W. Fox moved to approve resolution no.17-040-FWF entitled “Establishment of MHA Dispatch Center at the Offices of the West Segment Regulatory Commission in Mandaree, in the West Segment of the MHA Nation” subject to Legal review. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**K. Councilwoman Monica Mayer – Consultant Agreement**

**Motion:** Councilman Frank Grady moved to approve the Consultant Contract for Deb Thompson for the Nursing Home Feasibilities Study and North Segment Home Health Coordinator subject to legal review and paid from the North Segment Budget. Councilman Fred W. Fox seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**L. Councilwoman Monica Mayer – Reserved**

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**M. Councilman Fred W. Fox – 43<sup>rd</sup> Annual Denver March Powwow Sponsorship Request**

**Motion:** Councilman Fred W. Fox moved to approve a sponsorship for the 43<sup>rd</sup> Annual Denver March Powwow in the amount of \$20,000. Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye



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**N. Councilman Fred W. Fox – Learn & Lead/ 2020 Census Bureau Liaison – Laurel Deegan-Fricke**

Submitted proposal for appointment as 2020 Census Bureau Liaison for the Tribe at \$204,000 for 4-years for \$51,000/year. Councilman Mervin Packineau recommend combining these proposed activities with her current contract.

*Forwarded to the next Economic Committee meeting.*

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**Learn & Lead Program**

Discussion of creating a charter school due to low reservation school performance and controlling. Summary of Learn & Activities for retention from grades 8-12. Chairman Mark N. Fox would like to more data on what happens to students once they get to college. Discussion of the term of the current contract and a funding deficient of \$94,000. Al Nygard stated that resolution no. 15-131-LKH obligated \$245,000 for FY2016. The approved resolution did not include FY2017 as passed by Council and after reviewing it was determined that the Tribe over paid the contract. Al Nygard recommends performing an audit.

**Motion:** Councilman Randy Phelan moved to forward to the Education Committee with Legal Department for review. Councilman Cory Spotted Bear seconded the motion.

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

**XVIII. CLOSED SESSION**

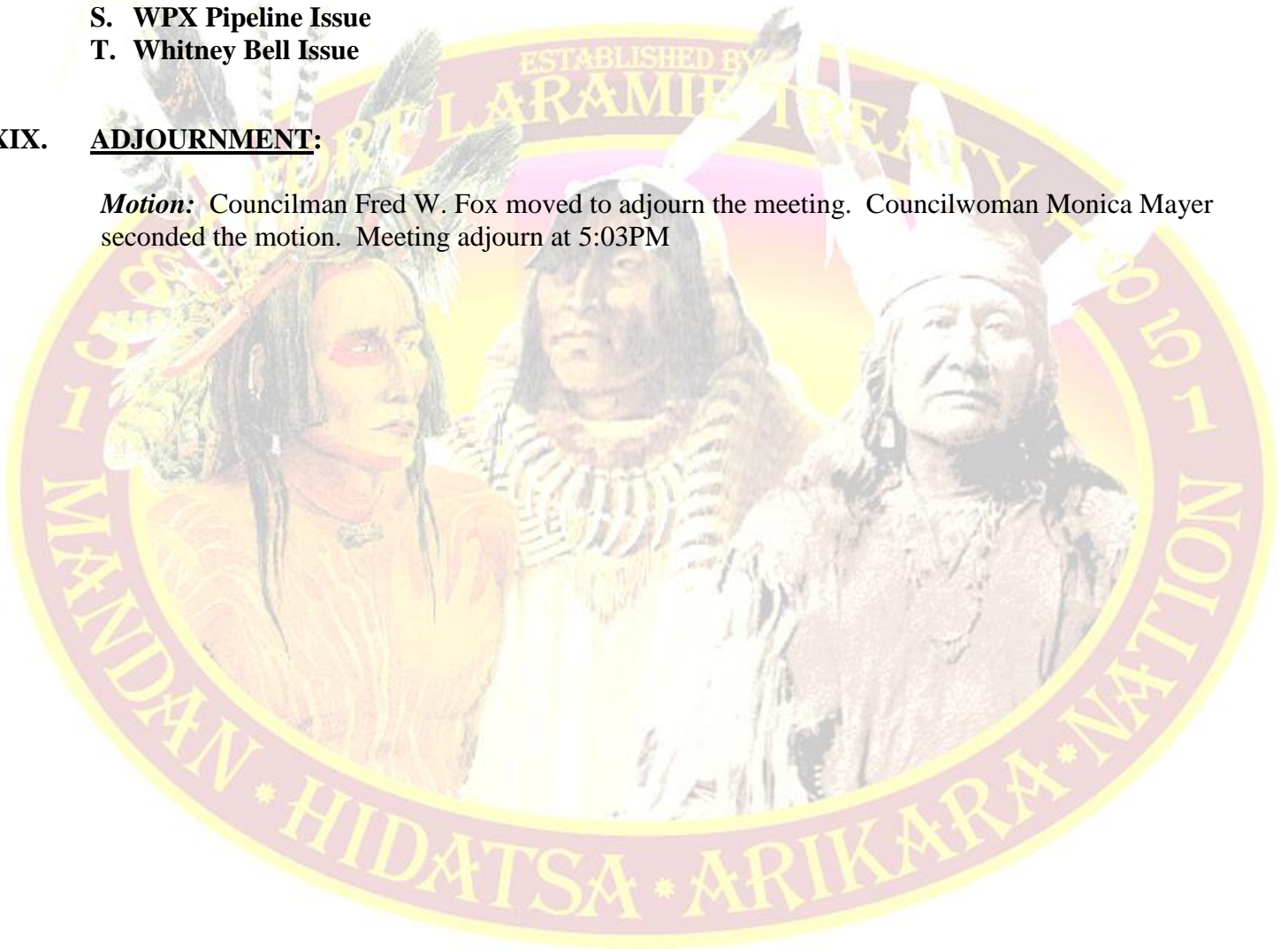
- A. **Sakakawea LLC** – *Bernie Fox*
- B. **Delvin Foote**
- C. **Spud Fee Resolution** – *Kenny Lyson*
- D. **Indian Contractor Issues** – *Shane Johnson*
- E. **Child Support Issue** – *Donald Chapin*
- F. **Human Resources** – *Barlow Wells, Director & Cheryl Abe, Assistant Director*
- G. **TAT Law Enforcement** – *Chief Nelson Heart, Sarah Dogeagle, Grace Her Many Horses*
  - 1) **Report**
  - 2) **HR**
  - 3) **Law Enforcement Pay Scale Analysis**
- H. **Van Norman Contract** – *Mark Van Norman & Shannen Attcity*
- I. **Legal Special Topic** – *John Fredericks*
- J. **Lobbyist Appointment Resolution**



- K. Spacing Unit
- L. Tribal Court
- M. Law Enforcement
- N. Pipeline Authority – *Travis Hallam*
- O. Four Bears Casino Report - *Pat Packineau, General Manager & Wesley Wilson, COO*
- P. Legal Department – *Caleb Dogeagle*
- Q. Dr. Lebeau Issue – *Kathy Eagle*
- R. Refinery - *Richard Mayer*
- S. WPX Pipeline Issue
- T. Whitney Bell Issue

**XIX. ADJOURNMENT:**

**Motion:** Councilman Fred W. Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourn at 5:03PM





### 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 Special Meeting thereof duly called, notice, convened and held on the 8<sup>th</sup> & 9<sup>th</sup> of February, 2017; 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 (X) 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