



## **CALL TO ORDER**

Chairman Mark N. Fox called the meeting to order at 11:23AM.

## **OPENING PRAYER**

Alvina Hall read a letter of thanks from the Kingdom Business – Pastor & Leadership Event that former Councilman Ken Hall prepared thanking the Tribe for their donations. Alvina Hall also expressed concerns over the youth drug problem and thanked the Tribal Business Council for their efforts.

## **ROLL CALL**

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

### **I. APPROVAL OF AGENDA**

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

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

### **II. APPROVAL OF MINUTES**

- **February 7<sup>th</sup>, 2018 Regular Meeting Minutes**

*Motion:* Councilman Randy Phelan moved to approve the February 2018 Minutes. Councilman Fred Fox seconded the motion.

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

- **March 15<sup>th</sup>, 2018 Regular Meeting Minutes**



**III. SPECIAL GUESTS & ELDERS**

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**A. Land Purchase – Tract 2070 – Pete Fredericks**

Presented an offer to sell 320 acres located near the Twin Buttes buffalo handling facility.

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 18-065-FWF entitled “Approving the purchase of land from Pete Fredericks of Twin Buttes, North Dakota, located in Twin Buttes, North Dakota”. Councilman Randy Phelan seconded the motion.

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

Chairman Mark N. Fox – Abstained

Councilman Randy Phelan – Aye

Councilman Fred W. Fox – Aye

Councilman Mervin Packineau – Aye

Councilman Frank Grady – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

***EXECUTIVE COMMITTEE REPORTS***

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

**A. Report**

Discussed upcoming meeting concerning ROW procedures with the BIA. Provided highlights of the recent Rez Conference. Recognition of New Town JV Basketball team. Federal Partners discussions with the EPA and the refinery. Property investment. Droadus Hotel . Drug Treatment facility progress. Budget meetings completed. American Petroleum Institute (API) meetings and position to seek political backing of the Tribe. ND Attorney General meeting concerning streamlining gaming & Law Enforcement cooperation & collaboration. Support for opioid law suit with proceeds to help fund treatment facilities. Program improvement meeting with Directors. Elders Dinner postponed to May 2<sup>nd</sup>. Former Chairman & Councilman Austin Gillette retirement from BIA/OST. April 25<sup>th</sup> Flaring meeting in Bismarck.

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

**A. Report**

Discussed issues with health care & roads and the need to lobby for additional funding and changing the funding formula.

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

**A. Report**

ND Petroleum Council & GAP Mid-stream meetings. Also working on corrective actions for Law Enforcement and the Detention Center and met with the regional office. Discussed the need for better Law Enforcement data & statistics. Discussed the need to approve ROW and



temporary water lines that if not approved it will put more trucks on the road. Recognition of Austin Gillette and White Shield Athletic Diner with special guest speaker Michael Haynes (NFL Hall of Fame member). Discussion of an emergency declaration due to the late winter that is affecting cattle, construction projects and more.

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

Attended Future of Parshall meeting. Grand opening of the new Boys & Girls Club end of the moth, Tenants moving into the new 24-plex apartment complex.

**A. CFO Report – Whitney Bell**

Submitted the monthly expense report. Next budget work session in June. Resolution to formulize the changes. Councilman Cory Spotted Bear noted that there are corrections to be made to the budget report that indicates \$300k expended for Twin Buttes Safe Haven Homes and \$300k for Four Bears \$300k that hasn't been spent. The CFO will make the corrections.

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 18-066-FWF entitled "Approval of amended Fiscal Year 2018 General Fund Budget for the Three Affiliated Tribes" subject to Legal review. 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 W. Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**B. Four Bears Casino Report – Scott Wilson, General Manager [See Closed Session]**  
*Item deferred.*

**C. Small Loans – Val Mayer & Mary Ellen Sun**

**Motion:** Councilman Mervin Packineau moved to approve group A: Small Loan Applications (8) subject to Small Loans Department guidelines and requirements. Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. 0 – Not Present. Motion carried.

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



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

*Discussion:* Brief explanation of collateral procedures.

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**D. Business Loans – Toni Starr**

Provided a report on current client statuses. Councilwoman Monica Mayer discussed the need to develop a Collections Committee. Chairman Mark N. Fox recommended contracting out collection. Val Mayer will be presenting an option at the next Economic Committee meeting.

**E. Segment Reports**

**1.) North Segment Report – Councilwoman Monica Mayer**

Easter Dinner, with new maintenance building near Hawk Estates. Averaging \$100K/month in revenue through the self-sustaining North Segment Alliance. Presenting at the UN on Human Trafficking. Discussed the tribal Nursing Home project and seeking assistance from Shakopee with a financing and proposal. Shakopee to run the facility for three years and then turn over.

**2.) South Segment-Councilman Cory Spotted Bear**

New water treatment plant ground breaking and Community Center opening. Seeking support on BIA Loop road 20 paving. New Elders Center completed. Splash pad and skate park in the works, fruit tree orchard planted in old land fill. Also attended the regional meetings in Aberdeen concerning Law Enforcement & roads.

**3.) Four Bears – Councilman Frank Grady**

Grand opening date soon for the new Johnny Bird Center. April 11-13 music revival activities are taking place. Working on getting BIA 2 fixed.

**VIII. OFFICER REPORTS**

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

**1) Federal Programs Report**

*Item deferred.*

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**2) Executive Orders**

**a) EA 2018-07**

**Motion:** Councilman Cory Spotted Bear moved to approve EA 2018-07;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves \$4,326.00 for the New Town High School's Educational Senior Class Washington DC and New York city after graduation.



Councilman Randy Phelan seconded the motion.

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

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

*Discussion:* Councilman Randy Phelan would like to the number of students included.

**b) EA 2018-06**

*Motion:* Councilman Fred Fox moved to approve EA 2018-06;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a small loan approval in the amount of \$7,900.00 for the client listed based on the terms and conditions of small loans policies and procedures.

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

**c) EA 2018-08**

Discussed the investment detail with Droadus and investment levels from 2-10 million for the limited partnership. John Fredericks expressed concern on open capital calls for expenses on the business side. Also that upon initial closing, MHA would need to pay all the capital calls plus 3% due to joining the partnership so late in the game. 30% of 2 million plus 3% to get current as a limited partner.

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves to purchase \$2,000,000 of the limited partnership interests of the Doradus Hospitality Fund I, L.P. and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council



directs its Chief Financial Officer to fund the \$2,000,000 for the purchase of limited partnership interests in the Doradus Hospitality Fund I, L.P. from the Tribe's general fund budget line item for this action; and  
NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes Chairman of the Three Affiliated Tribes, to execute and deliver any subscription agreements, limited partnership purchase agreements, term sheets, limited partnership agreements, voting agreements, closing statements, affidavits, certificates, avers, all closing documents, and any other documents appropriate to consummate and finalize the purchase of the limited partnership in the Doradus Hospitality Fund I, L.P.

*Tabled*

**Motion:** Councilman Fred Fox moved to look at future investments, but not at this time. Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. 0 – Not Present. Motion carried.

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

*Discussion:* John Fredericks will notify Doradus that the Tribe is declining their offer at this time.

### **CEO Report Continued**

Provided an update on progress on securing design and implementation for new addiction treatment system to improve & stream-line the process. The response to the District I over the Detention Center is complete and will be submitted to the Chairman for signature. Both the Adult & Juvenile sides of the detention center are now in compliance. Federal Programs Manager interim appointment of Pat Wilkinson will begin by reviewing Roads, Headstart, possible renegotiation of 638 contracts. The Governor of ND has selected 2 applicants from MHA for the a U.S Dept. of Treasury Opportunity Zone Initiative. The initiative will center on Census tracks and poverty levels (Four Bears N. McKenzie, N. Mclean County. Mandatory Directors meeting at the Casino on Monday April 30<sup>th</sup>. Will present a report on this year's grant activity to the next Tribal Business Council. New grants include the Indian Land Tenure grant.

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### **3) Tax Department Report – Cynthia Monteau, Tax Commission Director**

CEO presented for the Tax Commission Director. Written report submitted to the Tribal Business Council.



- a) **Tax Code Amendment** (Final & 3<sup>rd</sup> Reading)  
Public comments reviewed and included

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-067-FWF “Adoption and Approval of ‘Chapter 1: General Provisions. Section 113. Tax Credits’ of the Three Affiliated Tribes Tax Code” 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 – Aye  
Councilman Fred W. Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Cory Spotted Bear moved to approve resolution no. 18-068-FWF resolution to move “Approval of Transferring the Administration of the Business License from the Legal Department to Tax Department” 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 W. Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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4) **Section 17**

The CEO presented an update on Reporting on Section 17 Water Sales. An audit is in progress and on completion hope to get better at posting the revenue to the segment budgets. Chairman Mark N. Fox noted that Finance needs to enter the numbers into the systems to reconcile to expedite the process.

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5) **Enrollment** – *Sevant S. Taft*

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-068-FWF entitled “Approval of 25 Applicants for Enrollment into the Three Affiliated Tribes” Councilwoman Monica Mayer seconded the motion.



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

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

*Discussion:* The Director noted that the Enrollment Code is awaiting the 3<sup>rd</sup> Reading. 15,963 total tribal members.

*Motion:* Councilwoman Monica Mayer moved to approve to work through the CEO to process Incentive pay for the Enrollment staff (Delaine Clairmont, Katherine Moreno). 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 W. Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**IX. UNFINISHED BUSINESS**

**A. Mandaree Incorporation<sup>4</sup>**

*Item deferred.*

**B. Holistic Health Practitioner Contract Clarification – Karilee Lieberman<sup>3</sup>**

*Item deferred.*

**C. Medical Request<sup>4</sup> – Wyatt Bruce**

*Item deferred to Health & Human Resource Committee.*

**D. James Mossett Land Exchange<sup>3</sup>**

*Item deferred.*

**E. Land Exchange<sup>3</sup> – CJ Johnsrud II**

*Item deferred.*

**F. New Oil and Gas Technology Presentation<sup>2</sup> - Kathy Neset**

*Item deferred.*





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**G. Fitness & Recreation USA Wrestling Request<sup>3</sup> – Kevin Finley**

Also [resenting was Minot State Wrestling Coach Evan Forde and Turtle Mountain member & MSU Wrestler Tanner Crissler. Joining the meeting via telephone was Terry Steiner, Coach of USA Wrestling. The group is seeking to establish a non-profit Native American Sports Foundation collaborating through Minot State University and New Town High School to provide wrestling clinics three days a week for three months utilizing TAT Receptions buses & New Town High School facilities. Their request was for \$25,000 for the Native American Sports Foundation. Chairman Mark N. Fox asked that an update be presented half way through the program at the June Tribal Business Council meeting.

**Motion:** Councilman Randy Phelan moved to approve \$25,000. Councilwoman Monica Mayer seconded the motion.

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

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

**Discussion:** Councilman Randy Phelan recommended a sponsorship of \$25,000 to be divided into two payments of \$12,500. The second payment to be disbursed upon proving a report to the Tribal Business Council any time after halfway through the project.

**H. Fred Poitra<sup>1</sup>**

*Item deferred.*

**I. Cody Steel/Dive Team Contract & Budget<sup>1</sup> - Cliff Whitman, Homeland Security & Cody Steele**

The project would require a phased development for Consulting agreement between: Three Affiliated Tribes (TAT) and Cody Steele not to exceed 60k/year.

**Motion:** Councilman Randy Phelan moved to approve Consulting agreement between: Three Affiliated Tribes (TAT) and Cody Steele. Councilman Cory Spotted Bear seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred W. Fox – Aye  
Councilman Mervin Packineau – Abstained  
Councilman Frank Grady – Not Voting



Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Al Nygard recommends a cap on reimbursable expenses and it was agreed to cap at \$6000

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**J. Gavin Clarkson Endorsement (NM)<sup>1</sup>**

*Motion:* Councilman Randy Phelan moved to approve a standing policy concerning donations to State or National political from the Chairman’s Office not to exceed \$5000. 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 W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**K. Whitting/RimRock Assignment<sup>1</sup> - Jennifer Bland**  
*Item deferred.*

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**L. Larry Trujillo<sup>1</sup>**

Seeking to establish a road resurfacing crew to pave reservation roads and save the tribe funds. Recommended that the tribe purchase their own equipment.

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**M. Missouri River Recourses (MRR)**

Discussion on the terms of arbitration. John Fredericks noted that the waiver is only of MRR and note the tribes. Remove arbitration and applicable jurisdiction.

*Motion:* Councilman Randy Phelan moved to approve resolution no. 18-070-FWF entitled “*Authorization to Limited Waiver of Sovereign Immunity of Missouri River Resources, Assignment of Leases, and Amendment of Leases*” subject to Legal review. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. 0 – Not Present. Motion carried.

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



Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* John Frederick noted that it doesn't include dispute resolution and would require additional negotiation.

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**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-071-FWF entitled "Amendment to Resolution 18-026-FWF - Authorization for Assignment of Lease No. 7420A42643" subject to Legal Review. Councilwoman Monica Mayer seconded the motion.

Vote: 7 Ayes. 0– Not Present. Motion carried.

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

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 18-072-FWF entitled "Amendment and ratification of certain tribal oil and gas leases along the Little Missouri River, authorization to communitize, and consent to assign said leases to Marathon Oil Company." Subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 7 Ayes. 0– Not Present. Motion carried.

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

## X. MEDICAL REQUESTS

### A. **Minor Child Emergency** – Jerry Fozzer

A minor child in need of an immediate liver transplant at Mayo, of which one has been made available through a donor. The Doctor does not want to perform the surgery unless the Tribal Business Council provides assurances that the child will have post-operative support from the tribe.

**Motion:** Councilman Randy Phelan moved to approve post-operative support for the minor child. Councilwoman Monica Mayer seconded the motion.



Vote: 7 Ayes. 0– Not Present. Motion carried.

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

### COMMITTEES OF THE TRIBAL BUSINESS COUNCIL

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

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

**A. Ashley Meade Tuition Assistance Request**

Has just started a class billing and coding online program to receive a certification with completion in about 8 months. Chairman Mark N. Fox noted that if she passes the course the Tribe will pay for it, but if she does not pass the tuition liability would be hers. Caleb Dogeagle will draw up an agreement.

**Motion:** Councilman Cory Spotted Bear moved to approve \$2000 payment for tuition through the Tribal Chairman’s Health Board. 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 W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

**B. Mandaree Senior Trip Sponsorship - Donavan Abby**

17 students fundraising for a senior trip to Los Angeles.

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

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred W. Fox – Aye  
Councilman Mervin Packineau – Not Voting



Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

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**C. Sponsorship for Soccer trip to Spain - Mariah Fredericks**

Seeking financial assistance in the amount of \$4,500 to travel to Spain to play professional soccer. Athletes in Action.

**Motion:** Councilman Cory Spotted Bear moved to approve \$500 from each segment office and the Chairman's Office for a sponsorship. 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 W. Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**D. Language and Culture Department Resolution - Ruth Swaney, Education Dept. Director**

The Director presented a resolution entitled “*Supporting the Mandan, Hidatsa, Arikara Language & Culture Department, a formal tribal entity, to support, strengthen, revitalize and promote our heritage languages and cultural lifeways of the Mandan, Hidatsa, Arikara peoples; and to formally establish a Language & Culture Advisory Committee to provide advice, guidance and input on culturally*”. Councilman Randy Phelan noted that the West Segment language instructors expressed concern over being placed under the Education Dept. & that unlike Mandan & Arikara there are at least 4 different groups working with the Hidatsa language. Councilman Cory Spotted Bear expressed the need to bring all the groups together. Tribal Business Council consciences was that there needs to be more work on bringing the language leaders together to work it out. Chairman Mark N. Fox would like language to be coordinated with collaboration among all the groups to limit any duplication. Councilman Cory Spotted Bear & Councilman Fred Fox noted that their segment funded language programs could benefit from tribal funds through this Dept.

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**E. Consultant Contract Extension - Jerome Dancing Bull**

Caleb Dogeagle presented the federal contract.

**Motion:** Councilman Mervin Packineau moved to approve the Consultant Agreement with Sandra Moon cap of \$39,000. 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 W. Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Not Voting  
Councilwoman Monica Mayer – Aye

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**F. NABI Request/New Town High School Girls - Mary Ellen Sun**

Have raised about \$5000 and seeking a sponsorship. 8-10 are enrolled members.

**Motion:** Councilman Fred Fox moved to reaffirm the policy of \$700/enrolled student.  
Councilwoman Monica Mayer seconded the motion.

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

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

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

**A. Elbowoods Memorial Health Center (EMHC) Update – Dr. Kathy Eagle, CEO.**

Have received 6 proposals for the construction contract and identified 3 that meet the criteria and seeking permission. Exceeding their goal for 3<sup>rd</sup> Party Billing. Councilman Randy Phelan expressed the need for ambulatory services and ER at EMHC. Dr. Eagle noted that a contract with I.H.S would be needed for a redesign for the clinic would also need to be done.

**1) Psychiatry Residency Program Report**

**Motion:** Councilman Fred Fox moved to approve an agreement entitled “Program Letter of Agreement between Psychiatry Residency Program of UND School of Medicine & Health Sciences and Elbowoods Memorial Health Center” subject to Legal review.  
Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. 0– Not Present. Motion carried.

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



Councilwoman Monica Mayer – Aye

*Discussion:* Amend agreement to simplify language and prevent anything outside the scope of the agreement.

## 2) Nursing Contract Extensions

**Motion:** Councilman Fred Fox moved to approve Jamie Thongphat & Misti Mackay (Part-Time-Temp) nurses for 90 day contract extension. Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. 0– Not Present. Motion carried.

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

**Motion:** Councilman Randy Phelan moved to approve EMHC to solicit planning firms to determine best path for ambulatory services. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. 0– Not Present. Motion carried.

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

## 3) Dental & Optometry Facility Construction Contract

Discussion of utilizing a construction manager. Chairman Mark N. Fox asked if there was funding to contract a construction manager.

**Motion:** Councilman Fred Fox moved to approve engage and negotiate with Kruass-Anderson for construction management. Councilman Frank Grady seconded the motion.

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

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred W. Fox – Aye  
Councilman Mervin Packineau – Aye



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

*Discussion:* Chairman Mark N. Fox recommended putting this into resolution format for the next Tribal Business Council since the expenditure would be outside of the budget line items.

**4) Nursing Retention Bonus**

Currently there is no over-time plan at EMHC. Seeking to provide a retention bonus for nurses to address the need. Will return with a draft matrix.

**5) Self-Insurance Waiver.**

Discussion of requirement of the I.H.S. and self-insurance waiver that needs to be renewed every year. I.H.S is listed as the payer of last resort for EMHC. Resolution needed to state we need to allow them to execute Boon as a primary. A work-session is needed to clarify the issue.

**B. Tribal Care Health Insurance – Jerry Fozzard**

Had a work session yesterday with some of the Tribal Business Council & the CEO. Would like to schedule another working session before the next Tribal Business Council meeting. Submitted three articles concerning micro hospitals and it being critical for establishment of ER services. Also home delivery meals for the chronically ill. Chairman Mark N. Fox noted that the Federal government is not providing funding and if he can find a way to fund them. Councilwoman Monica Mayer noted we won't get those services right away. The Clinic needs to hire more providers and extend hours and days, and increase third party production. Also we have over 60 million in health care and there is still a need for more work sessions. Chairman Mark N. Fox noted that he still gets numerous complaints that Boon isn't paying the bills.

**C. Contract for Nephrologist – Red Fox Sanchez**

Expressed the need for specialty care. Tribal Health, EMHC CEO and the CMO need to work together to get this done through a work session.

**Motion:** Councilwoman Monica Mayer moved to approve “*Three Affiliated Tribes Contractor’s Contract Medical Staff Nephrology Physician*” (Inna Malostovker.) Councilman Frank Grady seconded the motion.

Vote: 7 Ayes. 0– Not Present. Motion carried.

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





Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**D. Life & Limb – Stacey Red Fox**  
*Item deferred*

**E. Life & Limb – Anita Hall**  
*Item deferred*

**F. Handicap Vehicle Purchase – Karen Mulluck**  
*Item deferred.*

**G. Awatii Wellness Center/Diabetes Program Time/Hours Request– Jared Eagle**

Councilman Fred Fox brought up the segments paying for some of the auxiliary services like classes in the segments.

**Motion:** Councilman Fred Fox moved to approve flex time within the pay period. Councilman Cory Spotted Bear seconded the motion.

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

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

**H. Request for Permission to Use Logo on Application - Kathy Felix & Vincent Roehr**

**Motion:** Councilman Randy Phelan moved to approve the use of the MHA logo on the application. Councilman Mervin Packineau seconded the motion.

Vote: 7 Ayes. 0– Not Present. Motion carried.

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

**I. Annual Elders Fair - Polly Chase**



Seeking a 10,000 sponsorship.

**Motion:** Councilman Randy Phelan moved to approve \$9,000 for a sponsorship. 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 W. Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**J. Comp. Time Pay Out Request– Each Segment**

*Item deferred*

**K. Metal Detectors for the NTHS approved last year – Chief of Police Nelson Heart**

*Item deferred.*

**XIV. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer, Chair**

**A. MHA DOT - Richard Hall & Stacey Driver**

Councilman Randy Phelan was assured that the plates would not be mandatory. Further discussion on ramifications of tribal members getting pulled over for expired tribal tags.

**Motion:** Councilman Fred Fox moved to approve resolution no.18-073-FWF entitled “Approving and Supporting MHA DOT to Distribute its Own License Plates, Registrations, and Tags.” Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. Motion carried.

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

Presented A Resolution Entitled, “Authority and Duty to Enforce Weight Limits Applicable to All Roads Within the Jurisdiction of MHA Nation.” –no action

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**B. Home Mortgage Request – Fawn Fettig**

Seeking a \$250,000 home mortgage to build her home.



**Motion:** Councilman Randy Phelan moved to approve a home mortgage for \$250,000 subject to Home Mortgage policies & procedures. 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 W. Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**C. Michelle (Huber) Grisham Home Loan**

Seeking \$250,000 to build a home. Home Mortgage recommended \$115,000 after qualification and identified an outside obligation that brought the eligible amount down.

**Motion:** Councilman Cory Spotted Bear moved to approve a \$250,000 Home Loan subject with clarification and subject to Home Loan Program Policies and requirements. Councilwoman Monica Mayer seconded the motion.

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

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

**D. MEC - Clarence O'Berry**

**Motion:** Councilman Fred Fox moved to approve resolution no. 18-074-FWF entitled, “Mandaree Enterprises, LLC Owner Exclusion for DL LSS Joint Venture Contract” Subject to Legal review. 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 W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye



Councilwoman Monica Mayer – Not Voting

**Motion:** Councilman Fred Fox moved to approve resolution no. 18-075-FWF entitled “Mandaree Enterprises, LLC Owner Exclusion for MEC FS JV Contract”. Councilwoman Monica Mayer seconded the motion. Vote: 7-0-0-0.

Vote: 7 Ayes. Motion carried.

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-076-FWF entitled “Tribal Business Council Changes the Name of Mandaree Enterprises, LLC to MH&A Enterprises, LLC” subject to Legal. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

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

**Motion:** Councilman Fred Fox moved to approve resolution no. 18-077-FWF entitled “Issuance of Amended and Restated Articles of Organization for MEC Management, LLC and MEC Resources, LLC, Subsidiary Limited Liability Companies of MH&A Enterprises, LLC.” Councilman Randy Phelan seconded the motion.

Vote: 7 Ayes. Motion carried.

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

**FTR:** Caleb Dogeagle recommended the remainder of the items presented be further Legally reviewed.



**E. Youth Shelter Request**

The Crow Tribe is seeking a \$1 million dollar contribution to construct a youth shelter. They have sought contributions from other tribes such as the Seminole. Councilwoman Monica Mayer, Councilman Frank Grady both felt as we don't have our own shelter. No action.

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**F. Tiger Grant Update – Ron Hall**

June 19<sup>th</sup> Summit at the Events Center. Ferry & Transit Plan to be show cased. May need a time extension this fall.

**G. Planning & Grants Request – Sheila Many Ribs**

Seeking help from the Tribal Business Council getting statistics from the Departments and put a report together for the Dept. who answered your request from the Directors. Also seeking permission to hire an IT person.

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

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**A. Indian Hills Concessionaire Agreement – Harley Texx Lone Bear**

**Motion:** Councilman Mervin Packineau moved to approve the concessionaire agreement with ND Parks & Recreation TAT, and Indian Hills. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

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

**B. Homesite(s) - Valeri Hosie**  
*Item deferred.*

**C. Farm/Pasture Leases - Diana Americanhorse**

**Motion:** Councilman Fred Fox moved to approve resolution no. 18-078-FWF entitled “Approving Agricultural Leases on Tribal Lands” subject to Legal review. Councilman Randy Phelan seconded the motion.

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



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

*Discussion:* Resolutions need to be change to 1 year term.

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**D. Easements - Shaylane Miller**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-079-FWF entitled "*Consent to Certain Right(s) of Way across Tribal land for the Fort Berthold Rural Water System – Subsequent User Project*" Councilman Fred Fox seconded the motion.

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-082-FWF entitled "*Consent to Certain Right(s) of Way across Tribal land*" (Antoine Smith) Councilman Mervin Packineau seconded the motion.

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-080-FWF entitled "*Consent to Certain Right(s) of Way across Tribal land*" (Julius Poitra) Councilman Fred Fox seconded the motion.

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



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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-084-FWF entitled “*Consent to Certain Right(s) of Way across Tribal land*” (McKenzie Electric/Twin Buttes Elder Center)  
Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-081-FWF entitled “*Consent to Certain Right(s) of Way across Tribal land*” (McKenzie Electric/Hwy 8 Slide Reroute)  
Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Cory Spotted Bear moved to approve amending resolution no. 17-245-FWF with resolution no. 18-083-FWF entitled “*Consent to Certain Right(s) of Way across Tribal land*” (Amending resolution FBRW17-245) Councilman Mervin Packineau seconded the motion.

Vote: 5 Ayes. 1 – Oposition. 1 – Not Voting. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Opposed  
Councilman Fred W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting



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**E. Beulah Lockwood Minerals Request**

Requesting that the minerals of less than 5% be given to her son. Single Heir Rule to apply.

**Motion:** Councilman Randy Phelan moved to approve application of the Single Heir Rule to the Beulah Lockwood estate in favor of her son. Councilman Mervin Packineau seconded the motion.

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

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

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**F. Clarine Linseth-Plenty Chief/ BIA Trust to Fee Notification**

**Motion:** Councilman Randy Phelan moved to waive the Tribes Right of 1<sup>st</sup> Refusal for the Clarine Linslith trust to fee request. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

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

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**G. Game & Fish Proclamations – Antoine Smith**

Chairman Mark N. Fox started a discussion of allowing the use of cross-bows and the possibility of creating a cross-bow season for all Tribal members. The law currently does not allow except for the disabled. The State MOU would need to be reviewed. Councilman Randy Phelan recommended moving the Bow season back two weeks. Councilman Randy Phelan expressed concern over non-member non-disabled hunting from ATV's.

**Motion:** Councilman Frank Grady moved to approve resolution no. 18-085-FWF entitled, "Approval of the 2018-2019 Tribal Hunting and Fishing Proclamations" subject to Legal and inclusion of cross-bow during deer bow season for enrolled members only. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.





Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred W. 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 Randy Phelan moved to waive the Single Heir Rule for the Lockwood case for a situation where the interests go to a parent. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

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

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**H. Track 1087 Partition Request – Marita Abe**

Partitioning a half acre around the Catholic Church in Twin Buttes.

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 18-086-FWF entitled “Approval of Partition between Allotment Number 301-1087.” 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 W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 18-098-FWF entitled “SCADA system Expansion for the New Twin Buttes Water Treatment Plant” subject to Legal. Councilwoman Monica Mayer seconded the motion.

Vote: 7 Ayes. Motion carried.

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



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

**I. Fort Berthold Rural Water – Pem Hall**

*Item deferred.*

**H. Oil & Gas Committee: – Carson Hood Jr.**

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**1) ROW's – Paul Grady & Catherine Everett**

**Motion:** Councilman Randy Phelan moved to approved resolution no. 18-087-FWF entitled “Approval of Setback Variance Requested by Spotted Hawk Development, LLC for the Black Horse Well Pad” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 7 Ayes. Motion carried.

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

**Motion:** Councilman Randy Phelan moved to approved resolution no. 18-088-FWF entitled “Approval of Setback Variance Requested by Spotted Hawk Development, LLC for the Mufasa Well Pad and Multi Use Corridor Project” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 7 Ayes. Motion carried.

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

**Motion:** Councilman Randy Phelan moved to approved resolution no. 18-089-FWF entitled “Consent to Approval of a Right-of Way across Tribal land for the Nufasa Well Pad and Multi Use Corridor Project Submitted by Spotted Hawk Development, LLC. Bierstadt Access Road Project Submitted by Targa Badlands LLC” subject to Legal review. Councilman Fred Fox seconded the motion.



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

**Motion:** Councilman Randy Phelan moved to approved resolution no. 18-090-FWF entitled “Approval of Setback Variance Requested by Spotted Hawk Development, LLC for the Buffalo Well Pad Project” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Randy Phelan moved to approved resolution no. 18-091-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Buffalo Well Pad Project Submitted by Spotted Hawk Development, LLC” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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

**Motion:** Councilman Randy Phelan moved to approved resolution no. 18-092-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Spirit Banner Production Pad and Multi Use Corridor Project Submitted by Spotted Hawk Development, LLC” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

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



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

**Motion:** Councilman Randy Phelan moved to approved resolution no. 18-093-FWF entitled “Approval of Setback Variance Requested by Spotted Hawk Development, LLC for the Herd CTB and Multi Use Corridor Project” subject to Legal review. 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 W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approved resolution no.18-094-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Herd CTB and Multi Use Corridor Project Submitted by Spotted Hawk Development, 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 – Aye  
Councilman Fred W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**FTR:** Chairman Mark N. Fox asked a representative of Marathon that was in attendance about a situation where a contracted security personnel was found to be armed. The Marathon representative noted that the security personell was requested by an individual living at the site and was armed as of yesterday. When Four Bears Security spoke to the individual he stated that he was authorized by Chairman Fox. Chairman Mark N. Fox noted that this was untrue. The Marathon representative appoligized for the sitution. Councilman Frank Grady expressed his deep concern over this issue and requested that this security person be removed.

**Motion:** Councilman Randy Phelan moved to approved resolution no.18-095-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land for the Foolish Bear USA Well Pad, Access Road, and Multiuse Corridor Project Submitted by Marathon Oil Company” subject to Legal review. Councilman Fred Fox seconded the motion.



Vote: 7 Ayes. Motion carried.

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

**Motion:** Councilman Randy Phelan moved to approved resolution no.18-096-FWF entitled “Consent to Approval of a Right-of-Way across Tribal land to Add One Well (Fort Berthold 148-94-35D-26-14H) to the Pyramid Pad, Submitted by Bruin E&P Operating, LLC” subject to Legal review. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

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

**Motion:** Councilman Randy Phelan moved to approved resolution no.18-097-FWF entitled “Consent to Approval to Modify BIA ROW Grant FBOG100498 across Tribal land for the Ruby 31-30H Well Pad Expansion Project Submitted by WPX Energy Williston, LLC” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 7 Ayes. Motion carried.

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

**FTR:** Crestwood items deferred.

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**2) Produced Water Pipeline - Councilman Frank Grady**

Councilman Frank Grady presented a resolution to ban all produced water pipelines from Four Bears Segment. Chairman Mark N. Fox noted that if the pipelines are banned than there will be more trucks on the road.



**Motion:** Councilman Frank Grady moved to approve resolution entitled; “*Prohibiting Produced Water Pipelines within the Four Bears Segment of the Fort Berthold Indian Reservation*” Councilman Mervin Packineau seconded the motion.

**Discussion:** Chairman Mark N. Fox did not agree and that it was not ripe for approval and also noted that this would affect the allottees. Further discussion of the progress of the reservation wide pipeline upgrades. Chairman Mark N. Fox noted that it needs to be balanced. Councilman Frank Grady will seek out the opinion of his community.

*Motions withdrawn*

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**3) Crestwood Grant - John Mahoney**

Chairman Mark N. Fox noted that the Crestwood spills have not been remediated to date and does not want Crestwood to think this is in any way going to effect the settlement of the July 2014 spill. John Fredericks informed the Council that the Pipeline Safety Officer has recommended a fine for the spill. Chairman Mark N. Fox stated that punitive damages have not been determined.

**Motion:** Councilman Fred Fox moved to approve resolution no 18-099-FWF entitled “*Approval of Second Amended and Restated Grant Agreement between Crestwood Equity Partners, LP and Mandan, Hidatsa and Arikara Nation for Construction of a Head Start Facility in Mandaree*”

subject to including language concerning Crestwood fines with a 30-day deadline to resolve and subject to Legal review. Councilman Cory Spotted Bear seconded the motion.

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

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

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**4) Smith Family Memorial – Doris Smith-Fox**

The family has been fundraising for the event.

**Motion:** Councilman Randy Phelan moved to approve financial support from each segment office and the Chairman’s Office for \$500/office. Councilman Cory Spotted Bear seconded the motion.

Vote: 7 Ayes. Motion carried.



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

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**5) BIA 2 Roads Agreement – Marathon**

Road Damage and Repair Agreement presented for 2.1 miles maintenance to re-gravel East off of hwy. 22. Councilman Randy Phelan noted that the agreement needs a place for BIA signature instead of D.O.T. BIA will require an MOU for the road with the Chairman's signature.

**Motion:** Councilman Frank Grady moved to approve the agreement and development of a TAT/BIA MOU. Councilman Fred Fox seconded the motion.

Vote: 7 Ayes. Motion carried.

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

**6) MMR – Dave Williams**

Discussed Lease expirations and development.

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

**A. Justice Commission Report**

*Item deferred.*

**B. Tribal Court Report – Marvel Heart & Elizabeth Yellow Bird**

Hired a new Prosecutor with over 30 years of experience. Discussion of a number of employees who have resigned that were awaiting permanency.

**FTR:** Chairman Mark N. Fox stepped out of the meeting at 7:52pm Councilman Randy Phelan assumed the chair,

Judge Seaworth contract will be done soon. Caleb Dogeagle recommends renewal for 6 months, Council agrees to 90 days. Councilwoman Monica Mayer noted numerous complaints with this



judge and asked Caleb Dogeagle step up his recruitment for another Judge. Caleb Dogeagle noted these short extensions may be contributing to the instability of the court.

**Motion:** Councilman Mervin Packineau moved extending the Judge Seaworth contract for 90 days. Councilman Fred Fox seconded the motion.

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

*Discussion:* Councilman Randy Phelan would like a future report on recruitment efforts.

**FTR:** Chairman Mark N. Fox returned to the meeting, 7:59PM and re-assumed the Chair.

**Motion:** Councilman Fred Fox moved to approve a salary increase to \$19/hr. for the Court Clerks. Councilwoman Monica Mayer seconded the motion.

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

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

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**A. Water Park – Wendi Wells**

Amending resolution to adjust the cost of the project to \$6.7 million to approve an addition half million. Also noted that efforts are still underway to secure additional outside funding for the water park in Four Bears Park.

**Motion:** Councilman Frank Grady moved to approve resolution no. 18-102-FWF entitled “Approving Contracts and Additional Funding for Four Bears Water Park in New Town, North Dakota” 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 W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

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**B. NFOA**

Chairman Mark N. Fox as Delegate, Councilman Mervin Packineau & Councilman Randy Phelan as alternates.

**Motion:** Councilman Fred Fox moved to approve resolution no. 18-100-FWF entitled “Appointing the Delegates from the Three Affiliated Tribes to the Native American Finance Officers Association and Authorizing the Payment of the Native American Finance Officers Association’s Annual Dues.” Councilman Mervin Packineau seconded the motion

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

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

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**C. NIGA**

Chairman Mark N. Fox as Delegate, Councilman Mervin Packineau & Councilman Randy Phelan as alternates.

**Motion:** Councilman Fred Fox moved to approve resolution no. 18-101-FWF entitled “Appointing the Delegates from the Three Affiliated Tribes to the National Indian Gaming Association and Authorizing the Payment of the National Indian Gaming Association’s Annual Dues.” 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 W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Aye  
Councilman Cory Spotted Bear – Not Voting  
Councilwoman Monica Mayer – Aye



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

- A. Chairman Mark Fox- *Reserved***
- B. Chairman Mark Fox – *Reserved***
- C. Councilman Randy Phelan – *Reserved***
- D. Councilman Randy Phelan – *Reserved***

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**E. Councilman Fred W. Fox – Books**

**Motion:** Councilman Fred Fox moved to approve \$60,000 for book purchases at White Shield School. Councilman Mervin Packineau seconded the motion.

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

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

**Discussion:** CFO & CEO will need to adjust the budget.

**F. Councilman Fred W. Fox – *Reserved***

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**G. Councilman Mervin Packineau – Parshall School Construction – *Beth Schwarz, Parshall Schools Superintendent***

Provided an update on financing, grants & changing project phases and how it relates to the amount approved by resolution. At this point in time the match for the Tribe would be \$7.6 million for a new High School unless Parshall can secure additional funding for the Elementary/Middle School then the match amount could go to \$9 million. The school district was unable to receive impact aid grant or the New Market Tax credit.

**H. Councilman Mervin Packineau – *Reserved***

**I. Councilman Frank Grady – *Reserved***

**J. Councilman Frank Grady – *Reserved***

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**K. Councilman Cory Spotted Bear – Vivian Hurkes Dental Request**

Requesting \$2,303 assistance for her children's dental. They are on Boone Insurance but it only covers 40%.

**Motion:** Councilman Cory Spotted Bear moved to approve for the amount of \$2,300 from 380 subject to consideration of alternative resources first. 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 W. Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilman Frank Grady – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

L. Councilman Cory Spotted Bear – *Reserved*

M. Councilwoman Monica Mayer – *Reserved*

N. Councilwoman Monica Mayer – *Reserved*

**XIX. CLOSED SESSION**

A. Human Resources HR – *Barlow Wells & Cheryl Abe*

B. TAT Law Enforcement Report – *Nelson Heart, Chief of Police*

1. Report - *Grace Her Many Horses, Captain*

C. Four Bears Casino Report – *Scott Wilson, General Manager*

D. TSRC/XTIRI - *Harriet Goodiron*

E. Miranda Murray Home Mortgage

F. QEP Acquisition Investment Program Plan Proposal – *Carson Hood Jr., & Steve Gunderson*

G. Tall Salt Contract – *Steve Gunderson*

H. Roads – *Ted Danks & Larry Trujillo*

I. Fred W. Fox Home Loan Increase

**XX. ADJOURNMENT**

**Motion:** Councilman Fred Fox moved to adjourn the meeting. Councilman Frank Grady seconded the motion. Meeting adjourned at 9:55PM.



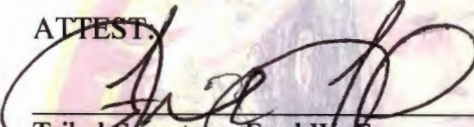
### CERTIFICATION

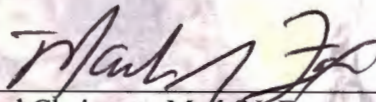
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 12<sup>th</sup> of April, 2018; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 2 Members not voting.

Chairman (X) Voting    () Not Voting

Dated this 11<sup>th</sup> day of June, 2018.

ATTEST.

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

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