

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

Special Council Meeting  
April 26, 1993

PRESENT: Wilbur D. Wilkinson, Chairman; Ivan Johnson, Vice Chairman; John J. Rabbithead, Jr., Secretary; Roger Bird Bear, Treasurer; Austin Gillette, Council Member; George Fast Dog, Council Member; and Leigh Foote-Wolf, Recording Secretary.

ABSENT: Jim Mossett, Council Member.

OTHERS: None.

ITEM 01: CALL TO ORDER  
Meeting called to order at 11:37.

ITEM 02: ROLL CALL  
Roll called by Secretary Rabbithead. Quorum established.

ITEM 03: RESOLUTION/LINE OF CREDIT/FIRST INTERNATIONAL BANK  
This resolution authorizes the Chairman and the Treasurer of the Three Affiliated Tribes to arrange the necessary lines of credit in order to pay the obligations and accounts payable of the Three Affiliated Tribes.

Treasurer Bird Bear explained this line of credit will be used to cover the costs of delayed contract monies and other such program funding sources. A projection of income was also attached to the resolution for presentation to the council. The primary source of collateral for this line of credit will be from the projected income from the gaming.

A question was raised on the waiver of sovereign immunity. This waiver is for the exclusive purpose of performance of the loan and associated security agreements to be entered into between the Tribe and the bank.

This line of credit will also take care of some of

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LINE OF CREDIT (CON'T)  
the obligations such as Pouch Point.

Discussion on land sales.

Discussion on employees who are not on any budget line item. Treasurer Bird Bear will issue a memorandum to Personnel for a list of these employees.

Chairman Wilkinson entertained a motion to approve the Line of Credit Resolution.

Treasurer Bird Bear motioned to approve, seconded by Secretary Rabbithead.

Discussion on Budget Meetings. It was determined that the Council will meet on the budget each Monday.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 04: REQUEST/TOM BIRD BEAR  
Treasurer Bird Bear requested assistance for his brother for law school. He has three weeks left. The request is for \$1200.00.

Chairman Wilkinson entertained a motion to approve.

Councilman Fast Dog motioned to approve, seconded by Secretary Rabbithead.

Vote: 4 for, 1 opposed, 1 not voting. Motion carried.

ITEM 05: DALE McGRADY REQUEST/LCM  
Treasurer Bird Bear stated Dale McGrady has approached him and requested to assume responsibility of LCM.

Discussion on management of LCM. A suggestion was made by Councilman Fast Dog to open LCM on Saturdays, as Saturday is a business day. If LCM does open on Saturdays, they would possibly make more money.

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DALE McGRADY REQUEST (CON'T)  
Vice Chairman Johnson made a motion to table this issue.

More discussion on Saturday openings.

It was decided to have Mr. McGrady submit an offer to the LCM Board of Directors for contemplation on the issue of Mr. McGrady taking over the financial responsibilities or of buying LCM from the Tribe.

Discussion on school assistance loans from the Tribe.

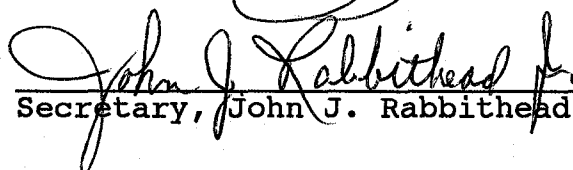
Councilman Fast Dog mentioned a better manager would be of benefit to LCM.

ITEM 06: LAND SALES  
Land sales will be met upon later today.

ITEM 07: RECESS  
Meeting recessed at 12:11 PM.

Approved

Disapproved

  
Secretary, John J. Rabbithead, Jr.

5-5-93  
Date

ATTEST:

  
Chairman, Wilbur D. Wilkinson

5-5-93  
Date



# MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

## AGENDA

TRIBAL BUSINESS COUNCIL  
(701) 627-4781  
Fax (701) 627-3805

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April 26, 1993

### CHAIRMAN

Wilbur D. Wilkinson

1. Call to Order

### VICE CHAIRMAN

Ivan Johnson

Mandaree

(701) 759-3377

2. Roll Call

### SECRETARY

John "Jack" Rabbithead, Jr.

Parshall/Lucky Mound

(701) 862-3841

3. Land Exchange/Ed & Todd Hall

4. Land Exchange/Jim Foote

### TREASURER

Roger Bird Bear

Four Bears

5. Land Exchange/James Plenty Chief

### COUNCIL MEMBER

Austin Gillette

White Shield

(701) 743-4244

6. Homesite/Wilson White Owl

7. Homesite Lease/Joe Black Hawk

### COUNCIL MEMBERS

Jim Mossett

Twin Buttes

(701) 938-4403

8. Homesite Lease/Paul Rosario

9. Homesite Lease/Jarrett Shane Johnson, Jr.

### COUNCIL MEMBER

George Fast Dog

New Town / Little Dell

(701) 627-3484

10. Farm Pasture Leases/Wilbur Hunts Along

11. Lease Renewals/Dennis Huber

12. Lease/Gainus Little Soldier

13. Lease/Newton Little Soldier

14. Lease/Wade Billadeau

15. Buffalo Pasture Expansion

16. BIA Range Management Issues

17. Range Issue #1-Alva Carlson

18. Range Issue #2-Paul Fredericks

19. Range Issue #3-Delvin Foote

20. Range Issue #4-Dennis Huber

21. Draft Resolution/Grazing Dates

22. Resolution/Fencing:

23. Natural Resources Department Building

24. Landsales

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25. Landsale/Harry Sitting Bear
26. Landsale/Pat BlackHawk
27. Landsales Discussion
28. Adjournment

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

Special Meeting  
April 26, 1993

PRESENT: Wilbur D. Wilkinson, Chairman; Ivan Johnson, Vice Chairman; John J. Rabbithead, Jr., Secretary; Roger Bird Bear, Treasurer; George Fast Dog, Council Member; Austin Gillette, Council Member, in at 2:17; and Leigh Foote-Wolf, Recording Secretary.

ABSENT: Jim Mossett, Council Member.

OTHERS: LaVerne Brady, Executive Recording Secretary; Don Morgan, Natural Resources Administrator; Myrna Jacobs, Realty Specialist; Carey Dreher, BIA Range; and Mansfield Morsette.

ITEM 01: CALL TO ORDER  
Meeting reconvened at 2:09 PM.

ITEM 02: ROLL CALL  
Quorum reestablished.

ITEM 03: LAND EXCHANGE/ED AND TODD HALL  
This land exchange was tabled at the previous regular meeting until more information was available. Natural Resources was to make sure there were no holds on the land or the house. Myrna Jacobs explained Mr. Hall is asking \$500.00 per acre where the house sits.

Don Morgan stated the house was not clear, but the house is not included in the negotiations. This land has already been appraised, but no report can be given as Tex Lone Bear has been negotiating with Mr. Hall and Mr. Lone Bear was not available for this meeting.

Chairman Wilkinson entertained a motion to table this issue once again, until Mr. Lone Bear is available.

Councilman Fast Dog motioned to table, seconded by

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HALL LAND EXCHANGE (CON'T)  
Vice Chairman Johnson.

Vote: 4 for, 0 opposed, 1 not voting. Motion carried.

ITEM 04: LAND EXCHANGE/JIM FOOTE

Mr. Foote is requesting to exchange 160 acres for 160 acres of grass land. The Tribe's land is worth a little more because it is close to taken area. The estimated appraised value is \$32,000.00 for \$23,000.00. They are both in the same area. This land is right where his house is located by Deep Water Bay.

There is a policy that prohibits trading within a quarter mile near the taken area. Mr. Foote used to lease this land, and this was his father's land.

Councilman Gillette motioned to trade value for value with the Tribe retaining the south portion of the property, with the option to lease for Jim Foote. Motion seconded by Secretary Rabbithead.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 05: LAND EXCHANGE/JAMES PLENTY CHIEF

Mr. Plenty Chief wants to trade his 40 acres for a city lot in Parshall. His house is on this lot. He wants to trade and have the Tribe pay the balance. His land is worth \$4000.00, and the lot is \$2500.00.

Councilman Gillette motioned to approve the land trade and purchase, seconded by Councilman Fast Dog.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

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ITEM 06: HOMESITE/WILSON WHITE OWL

Mr. White Owl has a mobile home he would like to place on a lot in New Town. Natural Resources will remove the existing house on the lot.

Councilman Fast Dog motioned to approve, seconded by Secretary Rabbithead.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 07: HOMESITE LEASE/JOE BLACK HAWK

Mr. Black Hawk was approved for a HUD home, he needs 2.5 acres in the Mandaree area. It is east of the Catholic Church by the Buffalo Pasture road. This is not in a range unit. There is no water, but he could drill for water.

Vice Chairman Johnson motioned to approve the home-site lease, seconded by Treasurer Bird Bear.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 08: HOMESITE LEASE/PAUL ROSARIO

Paul is requesting to be right across the road from Joe Black Hawk. There is about 10 acres of land there. He has a trailer house to place here.

Vice Chairman Johnson motioned to approve the home-site lease, seconded by Treasurer Bird Bear.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 09: HOMESITE LEASE/JARET SHANE JOHNSON, JR.

Shane is requesting to lease 2.5 acres northeast of Bakersfield.

Vice Chairman Johnson motioned to approve, seconded by Treasurer Bird Bear.



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SHANE JOHNSON (CON'T)  
Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 10: FARM-PASTURE LEASES/WILBUR HUNTS ALONG  
Wilbur is applying to lease 70 alfalfa acres in the Mandaree area. No one else has put in for this. Mr. Hunts Along did lease this before, but let it go.

Vice Chairman Johnson motioned to approve, seconded by Treasurer Bird Bear.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 11: LEASE RENEWALS/DENNIS HUBER  
These are '92 expiring lease renewals in the Twin Buttes area. They are alfalfa acres.

Chairman Wilkinson entertained a motion to approve.

Treasurer Bird Bear motioned to approve, seconded by Vice Chairman Johnson.

Discussion on renewals. The renewals do not have to go up for bid again if they go through committee first and they are a member of the Tribe. The committee can just renew the lease. If someone else applied for it, the previous leasor has the first option, and the location is also considered.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 12: LEASE/GAINUS LITTLE SOLDIER  
This is the 80 acres of land that was purchased from Lois Broste.

Secretary Rabbithead recommended disapproval on this lease, as his house is on this land and he is planning on leasing this himself.

Councilman Gillette motioned to approve John Jack Rabbithead to lease this land at \$9.00 per acre.

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GAINUS LITTLE SOLDIER LEASE (CON'T)  
Motion seconded by Councilman Fast Dog.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 13: LEASE/NEWTON LITTLE SOLDIER

This is 160 acres of land that was purchased by the Tribe from the Little Soldiers. He is applying to lease it at \$10.00 per acre of alfalfa. This is near his house.

A question was raised if this land is part of the Twin Buttes Parks and Recreation. Myrna replied that it is not.

Vice Chairman Johnson motioned to approve, seconded by Councilman Gillette.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 14: LEASE/WADE BILLADEAU

Wade is applying to lease 160 acres of pasture land at \$3.50 per acre. This land is located south of Raub. Mr. Billadeau had this before, expiring in '91.

Discussion on Indian operators and White Shield Co-op.

Councilman Gillette suggested to give tentative approval, provided this is not on the White Shield co-op list. Vice Chairman Johnson also suggested to approve this pending on Indian operator preference.

Vice Chairman Johnson motioned to approve, pending on the aforementioned provisions. Motion was seconded by Councilman Gillette.

Chairman Wilkinson acknowledged motion and second.

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WADE BILLADEAU LEASE (CON'T)  
Vote: 6 for, 0 opposed. Motion carried.

ITEM 15: BUFFALO PASTURE EXPANSION

Don Morgan explained they are running out of pasture land for the buffalo. The pasture presently being used is not large enough. The herd will have to be reduced to approximately 150 head, which is the allowable amount on the current pasture. They are planning to ship about 20 to Cheyenne River, and 200 head are going into a feedlot in Anamoose under the buffalo association that was joined about two weeks ago. They are currently looking for available land to accomodate the buffalo in order to bring these back. If not, they will have to reduce the herd. The proceeds of this will go to the bank to pay off the loan. They are running out of funds on the project, also. This is part of the reason to limit the herd, also.

Chairman Wilkinson inquired of the negotiations with Katoe. They wanted some of the buffalo to run on the claimed land. Don Morgan and Vice Chairman Johnson will follow up on this.

ITEM 16: BIA RANGE MANAGEMENT ISSUES

Carey Dreher, of the BIA, explained that some letters concerning Tribal land that could go into different range units have been sent over. Mr. Walters would like written approval from the Tribal Natural Resource Committee, putting these tracts into the range units.

Mr. Dreher stated they are having problems collecting money on the fee land.

ITEM 17: RANGE ISSUE #1

Allotments near range unit 47, leased by Alva Carlson, are basically land-locked. These tracts are being grazed.

Chairman Wilkinson entertained a motion to approve adding these tracts to Unit 47.

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RANGE ISSUE #1 (CON'T)  
Vice Chairman Johnson motioned to approve, seconded  
by Councilman Fast Dog.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 18: RANGE ISSUE #2  
These allotments are near Range Unit 15, which is  
permitted to Paul Fredericks. Mr. Fredericks does  
not pay for the use of these tracts. The Bureau  
would like to put this into his unit in order to  
collect lease money for the use of the land.

Chairman Wilkinson entertained a motion to approve.

Treasurer Bird Bear motioned to approve, seconded  
by Vice Chairman Johnson.

Vote: 5 for, 0 opposed, 1 not voting. Motion  
carried.

Mr. Fredericks was charged for liquidated damages  
one year. The following year, they took steps to  
put it into the unit.

ITEM 19: RANGE ISSUE #3  
This allotment is near Range Unit 48, permitted by  
Delvin Foote. This is an 80 acre tract, where the  
homesite is. He is paying on the homesite, or owns  
it, but the rest could be put into the range unit.

Chairman Wilkinson entertained a motion to approve.

Secretary Rabbithead motioned to approve, seconded  
by Vice Chairman Johnson.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 20: RANGE ISSUE #4  
Dennis Huber has an allotment tied in with his  
range units and the cattle have access to it and  
are grazing it.

Councilman Gillette motioned to approve adding

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RANGE ISSUE (CON'T)  
the allotments to the unit. Motion was seconded by  
Vice Chairman Johnson.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 21: DRAFT RESOLUTION/GRAZING DATES

This resolution deals with turning cattle out to the range units. Good range management provides that cattle should not be turned out prior to June first. This varies each year. The non-Indian operators should abide by the June 1 date. Some of the Indian operators who do not have the resources would then abide by the May 15 date for the Indian owned livestock.

Chairman Wilkinson entertained a motion to approve June 1 as the date for non-Indian operators and May 15 as the date for Indian operators to turn out cattle onto the units.

Discussion on June 1 as the turn out date for non-Indian cattle owners. Mr. Dreher stated he felt the non-Indian operators have more resources available to them.

Treasurer Bird Bear motioned to approve the dates, seconded by Vice Chairman Johnson.

Discussion on duration of grazing. Mr. Dreher mentioned they would be able to graze longer than November 1. They could run until the end of November. Councilman Gillette questioned how many operators were utilizing cross fence rotational grazing. Mr. Dreher stated possibly fifteen, maybe more that are doing some type of rotation.

Vice Chairman Johnson commented on the Tribe and the Bureau working on the utilization of cross fencing and spring development in the range units. Mr. Dreher stated he has asked for money before for these purposes, but he is unsure of where it can be

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RESOLUTION (CON'T)

aquired. An extra \$25,000.00 would help get some of these cross fences in place.

Vote: 5 for, 0 opposed. Motion carried.

ITEM 22: RESOLUTION/FENCING

This resolution pertains to the fencing of land which is removed from a range unit for personal use by individuals. This issue is not addressed in the current Grazing Resolution.

Mr. Dreher explained this is to prevent problems arising from individual landowners who do not like the permittee and those individuals who decide to put a homesite on their land in a range unit. Chairman Wilkinson mentioned this would not prevent a landowner from releasing a herd of cattle in the middle of someone's unit onto their own piece of land. Individuals cannot be prohibited from using their land, however, if it's in the middle of the range unit, the issue could get into a legality.

Chairman Wilkinson mentioned this would be alright, provided the Bureau provides the fencing materials. Myrna Jacobs mentioned that the stipulation could be added to homesite applications stating the individual must fence the homesite area, if it is located within a range unit. A question was raised on how someone could be "forced" to fence. Mr. Dreher replied this would be done the same way people follow a regulation. Chairman Wilkinson stated that it seems as if the Bureau is asking the Tribal Council to force its own members to fence. Mr. Dreher replied they do issue a letter requesting the fencing. He is asking for a resolution to back this up.

Discussion on Bureau providing fencing materials.

Chairman Wilkinson suggest to add onto the fourth Whereas, "As a result of land being removed by the landowners for personal use, or for homesite leases providing the Bureau of Indian Affairs provides the

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FENCING RESOLUTION (CON'T)  
steel posts and wire."

Mr. Dreher replied that it is the individual's responsibility to do this if they are removing their land. Chairman Wilkinson explained to Mr. Dreher that this will come back to the Council when the individuals need the materials for the fence.

Further discussion followed on this issue.

Councilman Gillette suggested the resolution be reworded as follows, "Any land that is removed from a unit shall not be liable for liquidated damage to the permittee, because it is the responsibility of the landowner to do the fencing."

Discussion on the penalty for not complying with this resolution. There needs to be a definition of what the penalty will be.

Vice Chairman Johnson stated that it should not be the Bureau's responsibility to give someone the fencing material to fence off their land, or anyone else. If they don't fence and drop cattle onto their land in someone's unit, they are trespassing.

Secretary Rabbithead motioned to approve the resolution, provided the Bureau provides the fencing material.

Chairman Wilkinson acknowledged motion.

Motion failed due to lack of second.

Councilman Gillette questioned how much of a problem this is at the moment. Mr. Dreher replied it is not a problem at the moment, but it does create problems periodically. Councilman Gillette suggested Mr. Dreher draw up a resolution with some wording for an alternative, after this is further researched.

At the next council meeting, Mr. Dreher will

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FENCING RESOLUTION (CON'T)  
present some alternatives to this resolution.

ITEM 23: NATURAL RESOURCE DEPARTMENT BUILDING  
Don Morgan stated the funding is available to build the O&M Building. The most feasible site is east of the roping arena.

Chairman Wilkinson reminded Mr. Morgan of the decision made by the Council at the last meeting to construct the Utilities building at Four Bears.

ITEM 24: LAND SALES  
Five deletions were taken off the list. These were Ethel Fast Dog, Delvin Foote, John Sitting Crow, Joyce Huntress Sloakem, and Alma Mahto.

There are only twenty-five single owners who are applying to sell. The total of the entire list is \$721,000.00. It was decided that Natural Resources update the list with a different format that is easier to go over. Also, the applications are spread out, it would be easier if each applicant has all of their land sales in one block.

ITEM 25: LAND SALE/HARRY SITTING BEAR  
Myrna stated that Mr. Sitting Bear is a single owner of allotment 612A-C at \$4216.70.

Councilman Gillette motioned to approve Mr. Sitting Bear's request, seconded by Treasurer Bird Bear.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 26: LAND SALE/PAT BLACKHAWK  
Discussion on the land and previous land sale to the Tribe from Mr. Blackhawk. This sale is for allotment 1522, valued at \$11,183.33.

Chairman Wilkinson entertained a motion to approve.

Councilman Gillette motioned to approve the sale,



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PAT BLACKHAWK LAND SALE  
seconded by Councilman Fast Dog.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 27: LAND SALES DISCUSSION  
Discussion of further land sales and the Natural Resources update of format.

Councilman Gillette motioned to have the Natural Resources Department submit a clearer form of pending purchases to the Tribe. Motion was seconded by Vice Chairman Johnson.

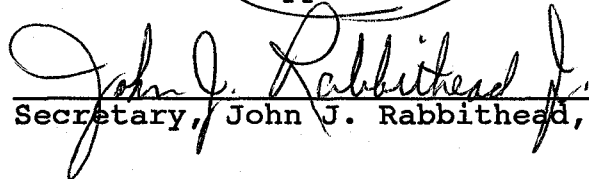
Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 28: ADJOURNMENT  
Meeting adjourned at 3:43 PM.

Approved

Disapproved

  
Secretary, John J. Rabbithead, Jr.

5-5-93  
Date

ATTEST:

  
Chairman, Wilbur D. Wilkinson

5-5-93  
Date



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1. Call to Order
2. Roll Call

SECRETARY  
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3. Resolution/Line of Credit with First International Bank

TREASURER  
Roger Bird Bear  
Four Bears

4. Request/Tom Bird Bear
5. Dale McGrady Request/LCM

COUNCIL MEMBER  
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6. Landsales

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