



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING

December 14, 1994

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

PRESENT: Russell Mason Sr., Tribal Chairman, Daylon Spotted Bear, Vice Chairman, Twin Buttes Representative, Marcus Wells Jr., Secretary, Four Bears Representative, Mark Fox, Treasurer, Parshall/Lucky Mound Representative, Austin Gillette, White Shield Representative and George Fast Dog, New Town/Little Shell Representative.

ABSENT: Ivan Johnson, Mandaree Representative.

OTHERS: Wallace Hosie; Virgil Eagle, Roads Dept.; Kent Jaeger, Midwest Industrial; Ted Danks, TAT, Transportation Planning; James Heckman, NRD; Texx Lone Bear, NRD; Norman Baker; Jim Danks; Myrna Bear, NRD; Edward S. Danks, Sr.; Dale McGrady; Ed Hall; Celeste Witham; Tillie Walker; Jeff Baker; Marian Spotted Bear; Terry Walters, Sup't, BIA; Angus B. Fox, Admin. Mgr., BIA; Pete Fredericks; Sidrick Baker; Dennis Halvorson, Range, BIA; Ed Lone Fight, Programs Mgr.; Perry Brady, Sergeant-at-arms.

PRAYER: Moment of Silent Prayer.

ITEM #1: CALL TO ORDER:

Meeting was reconvened by Chairman Russell Mason, Sr. at 10:25 AM.

ITEM #2: ROLL CALL:

Roll Called by Marcus Wells Jr., Secretary, TBC.
Quorum Established.

ITEM #3 TRANSPORTATION PLANNING, RESOLUTION #94-39-MW. - ENGINEER QUALIFICATION by Ted Danks, Transportation Planner:

Mr. Ted Danks; Transportation Planner read a resolution requesting revision to the qualifications requirements for an engineer in the Three Affiliated Tribes Highway Ordinance section 2.09. This modification will allow a "lay-person" to be considered qualified as an Engineer Technician, with no less than ten years experience in Management of, Construction of, Maintenance of highway and streets. Shall have at least five (5) years experience in Contract Administration, or ten years experience in contracting to include State, Federal, Tribal and Private Sectors. A working knowledge of State, Federal, Tribal and Private Sectors, plans and specifications, and possess the knowledge and experience to give meaningful input into plans and specifications being developed on road or street projects by or for this Tribe. The knowledge and skill to develop, manage, administer, and maintain the departments budgets and materials. Demonstrate the experience and knowledge in personnel and equipment management. This would allow two or three others along with himself to be qualified for such a position.

In summation, this will allow the Tribe to hire someone (a lay person) with experience and knowledge to fill the position of engineer, when needed, instead of hiring a graduate engineer as per the Three Affiliated Tribes Highway Ordinance. Presently, the Tribe does not have an engineer on staff.

A MOTION was made by Mark Fox to approve the resolution as provided, SECOND by Austin Gillette.

DISCUSSION:

Marcus Wells, Jr.: remarked that the Tribe should look into an example of what the BIA expected of an engineer in the past.

Mr. Fox; said it appeared to him that the council was making a modification to an ordinance provision, Section 2.09 of the Three Affiliated Tribes Highway Ordinance, not employing anyone.

Mr. Wells; further expressed that he did not agree with lowering qualifications, and believed top notch people should be there, not lowering qualifications for the employment, when the service provided would be reduced.

Roll Call vote was requested by Mr. Fox.

VOTE: 4 For 0 Against 2 ABSTAIN MOTION PASSED.
Chairman Voting.

ROLL CALL VOTE: Mark Fox - yes; Austin Gillette - yes; Chairman Mason - yes; George Fast Dog - yes; Marcus Wells, Jr. - Abstaining; Daylon Spotted Bear - Abstaining.

ITEM #4: SOLID WASTE MANAGEMENT REPORT - Kyle Baker, NRD

Mr. Kyle Baker; Environmental Division Coordinator of the Natural Resource Department gave a background report on the Solid Waste and why the Three Affiliated Tribes has a landfill. Based on the Blue Lake Decision Suit, the Tribes had responsibility to clean their own mess; thus, the landfill which is situated on the west part of the Reservation.

The Three Affiliated Tribes received monies to do a landfill. All open dumps were closed and a contract system for waste pickup was established with BIA, IHS, HUD, Recreation areas, McKenzie Bay, etc. and non-Indian farmers--whoever was interested. EPA approval is a requirement and in order to comply with the EPA requirements a proposal for a nationwide grant was submitted and with the grant Jim Heckman, Solid Waste Planner was hired. Three Affiliated Tribes is presently close to EPA approval. If we let this program go, we would be paying millions of dollars to transport our trash off the Reservation, trash all over the coulees. Previously, there were two state-approved landfills, Gevings and New Town, which were above aquifers and they found industrial waste in 50 gallon drums, pesticides for 30 years in those landfills, and above gravel pits and that leakage goes right into the aquifers, so this solid waste plan we are working on is like a perming system, we will not permit any more state landfills, there will only be Tribal landfills, we will try to stick to this one, we have 80 acres west here, that will run us about 50 years. When this landfill was set up, it is in a part of the Reservation, a previous council did this with Rick Schilf, there was a study done by USGS, there is no water there. We have 7 monitoring wells around the landfill and the State comes in and helps us draw water. We had private contractors and USGS that helped us draw water from those and we can't get any water out there and what water they do get is not worth anything. It is all clay, so it is a safe area to dump garbage. We could be making more money, but the city councils of New Town and Parshall have voted us out, we cannot go in there and pick up our own people's trash.

Mr. Baker; also asked about doing a presentation for other tribes under Indian Health Service in Idaho on how to handle their solid waste management and they wanted him to do a presentation. They will pay the room and board but wanted Mr. Baker to pay his own travel.

Chairman Mason: stated if they want us to train them, they should pay for everything.

Mr. Fast Dog: mentioned that in meeting with Mr. Hobbs, he talked about air quality that is a way to get some money.

Mr. Baker: said right now the Clean Air Act has given the Tribe sole authority over the reservation, over Indian, non-Indian, Indian land, non-Indian land, and them oil wells over there. We could permit those and a clean water act that gives us authority to put water quality standards on the lake. We want water quality standards on that lake.

Mr. Wells; issued support to the program and asked what the council could do to help.

Chairman Mason: asked Mr. Baker, to put all the costs together and then come back to the council in the form of a resolution because it is an important program and because we can stand to lose if we can be sued for being in noncompliance with EPA standards.

Mr. Fox; asked how much of a contribution was the Solid Waste Program requesting.

Mr. Baker; said they would be short about \$50,000 a year starting next year for salaries, if we can get into New Town and Parshall and pick up our own people's garbage, instead of \$120,000 a year, it would be \$190,000 to \$200,000. There are 4 salaried positions: Leonard Eagle, Roger Grady, Peter Young Bird, Leland Beston.

ITEM #5: ROADS DEPARTMENT - EQUIPMENT FOR SNOW REMOVAL:

Virgil Eagle; gave a report that in his last meeting with the council concerning snow removal equipment needs for the road department, it was discussed that a Loader was needed for the Drags Wolf Village area, there is a loader in Mandaree but it is inoperable, it is old, all we can do is stick more money into it, so I recommend that we get a loader for Drags Wolf and Mandaree. He showed pictures of the size of the loaders and that came out to \$22,500. There was a question by one of the councilman, that money is lost after the lease is over with, but I have the Salesman here, Kent Jaeger, from Midwest Industrial, that is where the 2 graders were bought, one in Twin Buttes and one in New Town here. The one in New Town has no snow removal equipment on it if it was purchased that way through the prior administration and without snow removal equipment on it is almost worthless except for blade gravel with it in the summertime. If you go out here in this snow, you are gonna get stuck right away and you gotta have a loader following him around to pull him out so I got Mr. Jaeger and he has a 1992 624 loader, 294, and as far as that \$22,000 agreement, We lease with interest in buying that 1992 loader, I would recommend that it is quite a bit cheaper than 94. He would apply that \$11,250 which is half the lease for 3 months on to the purchase price so the Tribe would not lose that if they decide to buy it otherwise it would be all straight lease. And the other thing we discussed is the wing and the plow for this blade that is in New Town District here, Chairman asked me to get with Ted and discuss what we had on hand that we would be able to use. We have a wing and a plow down in Mandaree that goes on a 748 Champion. Mr. Jaeger said he will be willing to buy that and maybe he would

explain that because the cost of the blade and V-plow, the wing and attachments are \$17,085. It is a V-plow equipped with a parallel left hitch that is \$8,460, wing equipment with hydraulic valve and levers is \$8,625. I recommend the Tribe should try to buy that.

Mr. Ted Danks: Suggested that the Tribe Look into trucks with snow-removal attachments contracted out in lieu of the V-plow and wing solution.

Mr. Eagle: stated in regards to trucks, they are primarily for highway work, he has a location in Twin Buttes where a truck wouldn't work, it is impossible, i.e., Mossett Bay Road.

Mr. Wells: stated that the Four Bears area still has need of a Front End Loader, He said he had an operator already hired through the \$32 an hour that was allotted each segment. I have had people snowed in for 3 days.

A MOTION was made by Austin Gillette to approve the lease of 2 front end loaders for a 3 month period understood that payments will also apply to the option to purchase per machine. **SECOND** by Marcus Wells, Jr.

VOTE: 4 For 0 Opposed 1 abstention Motion Passed.
Chairman Voting.

MEETING RECESSED AT 12:45 PM.

MEETING RECONVENED AT 1:40 PM.

ITEM #6: BUSINESS LOAN REQUEST/WALLACE HOSIE:

Wallace Hosie, Sr.; approached the Council for a business loan in the amount of \$15,000.00. Mr. Hosie is wanting to buy the Buffalo Lake Concession Stand. He submitted a proposal listing the equipment and the replacement cost of each equipment. Mr. Hosie is willing to give the titles as collateral to the Tribe.

It was the general consensus of the council to have Mr. Hosie bring back a complete business plan showing the present value and earning power of the business. The council felt the proposal was not a complete business plan.

Mr. Fox; said, the record will reflect Mr. Hosie will return with a complete business plan for further consideration.

Chairman Mason; suggested that Mr. Wallace Hosie go back to Ambrose Hosie, Credit Officer and that he is instructed to assist Mr. Wallace Hosie in developing a package and a business proposal.

Mr. Gillette: said the reason he asked is because in 1980, there was \$5.10 for Tribal, now it's at \$6.00 and it has been that way for the last 10 years, and we are purchasing, we use this land as collateral, that we purchase from our own members, our land is side by side with allotted land, we are getting a \$1.65 Animal unit less. Our land should be the same price, the tribal land. There are some units that are over 50% Tribal and other units are 90% allotted so the guy with 90% allotted even though it is 100 animal units, he's paying more than his next door neighbor.

Mr. Walters; said the Tribe has the authority as Council to set the rates as they desire for Tribal land. From strictly administrative standpoint of the BIA, it is very much easier to administer one rate rather than how many cattle get \$7.65 and how many get \$6.00.

Mr. Gillette; said that the \$6.00 is part of the resolution and still felt that Tribal land is worth just as much as the \$7.65 land.

Mr. Jim Danks: stated that he thought there would be a lot of old timers that would fight hard for having the present rate.

Mr. Solly Danks; said pertaining to that we are marginal operators we are making a living on 6-7-8 soil. Your FHA clients, I know are in dire straits and I know it's tough and there are going to be foreclosures. There is a very few Indians that talk that way. I want you guys to understand it's tough to make a living out here.

Chairman Mason: asked in consideration of all operators, those that are marginal, small operators, ask Mr. Gillette if he is willing to forego that \$6.00?

Mr. Gillette; replied, "no". He continued with his reason was that sitting there with the new Chairman and new councilman for a month and a few days, you've seen the request that our tribal members make and it all translates to dollars available to provide services. Mr. Gillette: then **WITHDREW HIS SECOND** of the motion.

Mr. Marcus Wells, Jr.; **WITHDREW** his Motion.

Mr. Fox: made a recommendation to table the matter until further discussion, further information, I think what we are doing here now is great, we need to do more of it with Natural Resources as well I know that from my personal opinion, I need to know more information so I could make a fair decision. If I don't have more information, I am going to make a decision that may amount to being unfair and I am not going to do that at this time.

Motion by Mr. Fox to table the resolution until December 22, 1994, Special Meeting and until such time sufficient information to make a proper decision, SECOND by Austin Gillette.

**VOTE: 6 For 0 Against Motion Carried.
 Chairman Voting.**

ITEM #8: GAMING COMMISSION - FUNDING REQUEST:

Mark Fox: mentioned that the Gaming Commission was requesting \$5,000.00 and explained that this would hold them over until December 31, 1994. General discussion was held, with no action being taken at this time. Mr. Fox to explore further with Commission.

ITEM #7: GRAZING RESOLUTION/NATURAL RESOURCE DEPT.:

The Natural Resource Department handed out a final draft form of the new proposed grazing resolution with copies of previous grazing resolutions dating back to 1976.

Discussion: followed with input from ranchers, landowners and other interested persons. The main topics of discussion were the 10 year lease period versus 5 years, and the 80% ownership stock proposed, the problem the smaller operator will have stocking a unit at 80%.

Mr. Jim Danks: Danks explained that the 10 year lease would allow ranchers to take advantage of conservation programs.

Mr. Tex Lone Bear; remarked that the Tribe has a lot to gain by participating in these 10 year programs .

Terry Walters, Superintendent; remarked he didn't know where the philosophy of not being able to do 10 year programs, in the past, came from, because it has always been there. If a resolution would come in, I have to be up front even though we have a law, we have regulations to say 5 years with potential of 10, I would have to have that reviewed. Mr. Walters also responded to #5, on page 4, of the Resolution, for the future, I would inform the Tribal Council plan to refine the violation, non-payment or whatever, that we take the necessary action upholding the Tribe's resolution that the Tribal council backs that decision fully. We have not had that, when I came in 1992, I put instructions out that we are going to follow the Tribe's resolution, we put out two cancellation of range units for non-payment, based on complaints from the owners, and we do not have the allocation authority only the Tribal government does on those two times when we had recommended cancellation, they got re-allocated back to the same individual.

Chairman Mason; reassured that the council will enforce their resolutions.

Other Issues Discussed: Questions were raised on what constituted a bonafide operator. Are Range Units going to be awarded to Tribal Councilmen. Excess land allocations will be awarded to Indian Ranchers or cattle relending participants co-oping to fill a unit.

Chairman Mason: reiterated that he would like a provision for those 50% owners be allowed to submit a plan that would bring their herds up to the 80% in a 2 to 3 year period and the Council and Natural Resource review that plan annually to see where they are at.

MOTION made by Marcus Wells, Jr. to accept the Resolution, MOTION AMENDED by Marcus Wells, Jr. to accept the resolution with a provision 50% with the 2/3 year plan. SECOND by Austin Gillette.

Discussion:

Mr. Gillette: asked Mr. Terry Walters, what are the animal unit for allotted land.

Mr. Walters; said \$7.65 this past year, with Aberdeen Area recommending it remain the same and allotted cattle last year was \$6.00 on Tribal land.

ITEM #9: SENIOR CITIZEN CHRISTMAS SUBSISTENCE ALLOWANCE:

Treasurer Mark Fox reported that revenues from the Casino will be coming in on the 15th of December and based on the docket funds that are expected this year divide it by the number of elders, 449, the average payment comes to \$93.00 each, supposedly that is what should be allowed under the docket situation but last year they got \$500 and the year before they got \$250, so \$93.00 is pretty low. In reality, we have to come up with our own Tribal revenues to support that. The way it is looking right now, if we do a \$300 Christmas bonus, expenditures to the Tribe would be about \$134,000. At \$250, it would be \$112,500. The allocation we should be getting from Albuquerque this year should be \$42,789. which is way down from last year which they got \$64,000, the year before that they got \$47,000. This is the lowest since 1988, when they got \$38,000.

The general consensus was \$250.00. Figuring at \$300 x 450 minus the \$42,789 came to \$92,211. which would cost the Tribe. Mark Fox suggested a Motion that the number be set at \$300 of course dependent upon the availability of funds, those casino funds that come over and what the exact number of that check is gonna be and that if it is really shortfall and comparable to last year, adjustment be made to \$250.00.

MOTION made by Mark Fox to go \$300 but if the amounts of the casino revenues is far less than anticipated, adjustment will be made to \$250.00, SECOND by Marcus Wells, Jr..

DISCUSSION: Mr. Gillette stated that he would like the record to be quite clear with what Mr. Fox said is that they are entitled to only \$93.00 approximately and that this is being supplemented. Chairman said he will make the announcements publicly of the situation after they know what the Casino revenues will be. Discussion followed on not calling this a Christmas Bonus, but should be called subsistence allowance for our elders.

**VOTE: 6 For, 0 Opposed. Motion Passed.
Chairman Voting.**

ITEM #10: HOME HEALTH CARE FOR WHITE SHIELD:

Mr. Gillette had a request for a Home Health Care Person similar to Parshall. Parshall and New Town have home health care persons.

Mr. Fox said that the reason for this position for Parshall is because Parshall doesn't have a Clinic, LPN, any other outside CHR, we're not medically qualified for certain things. We don't have that in Parshall home health care and that is why a nurse in the area would have been real effective and is effective, but you guys supposedly have a clinic down there with doctors that visit and what have you and should have that in place, and Parshall doesn't, that is why I made the argument that we need this position over there.

Chairman Mason: expressed his wish to chair the health and welfare committee because he would really like to visit and evaluate the whole health care system. We are definitely in need of home health care providers, the time of CHR's is really taken up in transporting. Presently, Marilyn Ogden and Ada White Lightning are home health care providers, we need to identify patients who require this and split it up.

Mr. Fox said his health care providers work with the CHR and help them offset their shortfall of manpower but, it is just to visit every elderly home.

Chairman Mason: said there are those that need to be monitored/priorities, and then the other people, and asked that Ada work that out with White Shield. Until we find a position and we can look at that. Austin suggested to just give her some mileage and she can cover White Shield.

Chairman Mason: suggested that Mr. Fox and Mr. Gillette work it out between them.

ITEM #11: MONETARY REQUEST/ALL INDIAN NATIONS CLASSIC BASKETBALL TOURNAMENT:

Mr. Daylon Spotted Bear; made a follow up request for Paul Fredericks to see if any monies were made available for the Basketball and Education.

Chairman Mason; said it was not discussed nor is there any money available at this time.

Mr. Fox; said after the 15th of December they will know.

ITEM #12: MONETARY REQUEST/AARON HUNTER:

Mr. Daylon Spotted Bear; stated that Truby Hunter had requested an emergency medical loan request of \$500.00 for her brother, Aaron Hunter, who had a stroke, and is hospitalized in Hazen, ND. He needs an operation but they believe his heart is not strong enough to go through surgery. The request is a loan with Truby doing the loan.

Mr. Fox; asked what the monies will be used for, hospital bills? The monies will be used for family members to return home.

Chairman Mason: said a purchase order will be made out for that amount.

ITEM #13: ADJOURNMENT:

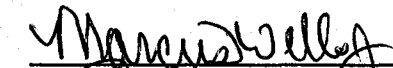
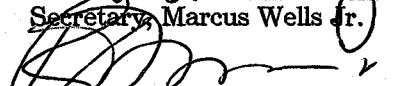
MOTION was made by Austin Gillette, SECOND by Mark Fox.

Meeting was adjourned at 3:30 PM.

VOTE: 5 For 0 Opposed MOTION CARRIED.
Chairman Voting.

Approved

Disapproved


Secretary, Marcus Wells Jr.

Chairman, Russell Mason Sr.

8-7-95
Date
8-7-95
Date