

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
BIG BUCKS BINGO HALL  
THURSDAY – JANUARY 30, 2020 – 9:00 A.M.**

- A. Date: January 30, 2020
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Gary F. Loonsfoot, Jr., Vice President  
Kim Klopstein, Secretary  
Toni J. Minton, Assistant Secretary (left at 12:35 p.m.)  
Doreen G. Blaker, Treasurer (left at 4:44 p.m.)  
Robert R.D. Curtis, Jr.  
Eddy Edwards (arrived at 9:10 a.m.)  
Dale F. Goodreau  
Randall R. Haataja (left at 12:35 p.m.)  
Susan J. LaFernier  
Rodney Loonsfoot  
Don Messer
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 30, 2020
- Deletion: Closed Session- 2. Danielle Webb, Tribal Attorney/Update

**Eddy Edwards arrived at 9:10 a.m.**

**MOTION MADE BY TONI J. MINTON TO APPROVE THE AGENDA WITH THE DELETION. SUPPORTED BY ROBERT R.D. CURTIS, JR. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

G. For Your Information:

1. Natural Resources Department “Shared Governance and Stewardship: Rights and Responsibilities of the Keweenaw Bay Indian Community” Brochure
2. Department of Interior/Bureau of Indian Affairs awards Tribal Court \$363,049.00

H. Recognize Scheduled Delegation/Individuals:

1. Sarah Mahlab/Tom Morrow/Jeff Joseph/Charlie Becker - The Lyme Timber Company Upper Peninsula of Michigan Presentation (long-term sustainable forest management)

The Lyme Timber Company was founded in 1976 and is based in Hanover, New Hampshire. “A *differentiated approach to timberland investment built on property selection, conservation sales, and operational restructuring.*” In 2019 a team was recruited to manage Lyme Great Lakes Timberlands with an office in L’Anse, Michigan.

The Lyme Timber Company owns a large land base within the exterior boundaries of our reservation and they are in contact with our Natural Resources Department discussing possible carbon projects, conservation easement conveyances, and working together to create a greater coalition with the wolf sanctuaries, other endangered species, culverts, and conservation land protection.

2. Rachel McDonald, KBIC Forester/Bryan Van Stippen, NICC – Forest Carbon Project Feasibility Assessment of the Keweenaw Bay Indian Community Forest Lands

Prepared by Spatial Informatics Group in support of the Indian Land Tenure Foundation – National Indian Carbon Coalition (NICC) Program July 2019

3. Harold Miron/Doug Mills, Baraga County Road Commission – Alternative Route for US-41

The Baraga County Road Commission is proposing a detour route between L’Anse and Baraga that will be necessary to use when emergency related incidents occur or severe weather conditions force a temporary closure on that section of US-41. Several times in recent years, storms have pushed water across the road at the Head of the Bay causing closures and twice by serious traffic crashes and once by a natural gas explosion and fire. The commission is considering the use of the Baraga Plains Road and converting it to a Class A road which would be paved and considered higher quality and can be used year-round. They would like to partner with KBIC and are looking for support from the Tribe through grants.

**Break: 10:21 – 10:36 a.m.**

4. Debra Williamson, Ojibwa Senior Citizens President – Don Chosa, Jr., Shirley McKasy, Lois Bedell present

- a) Tribal Elders/Members Concerns

Debra requested the Council to invite input and responses from Tribal Elders and Tribal Members during Council meetings.

- b) Request for KBIC Tribal Elders and Disability Pension Trust Reports

The Council informed the Senior representatives that updates are given by Gary Loonsfoot, Jr., Cannabis Developer in Closed Session but open to KBIC members.

- c) Request for Tribal Elders Table at Council Meetings (a table in the front was provided)

I. New Business:

- 1. Paul Mooney, Assistant Tribal Attorney –

- a) Julie Raby, Payroll Supervisor - Qualified Domestic Relations Orders (QDRO) Administration Manual (internal procedures for HR, Payroll, Benefits Coordinator)

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE QUALIFIED DOMESTIC RELATIONS ORDERS ADMINISTRATION MANUAL AND INCLUDE THE RECOGNITION OF TRIBAL LAW REGARDING SAME SEX MARRIAGE. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- b) Violet Friisvall Ayres, Associate Judge –

- i. Service Agreement with Tribal Consulting Services, LLC  
March 1, 2020 – September 30, 2020 \$23,520.00
- ii. Service Agreement with GMJ Designs, LLC  
March 1, 2020 – September 30, 2020 \$50,540.00

**MOTION MADE BY RODNEY LOONSFOOT TO APPROVE BOTH SERVICE AGREEMENTS WITH TRIBAL CONSULTING SERVICES, LLC AND GMJ DESIGNS, LLC. SUPPORTED BY DOREEN G. BLAKER. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- c) Evelyn Ravindran, NRD Director – Great Lakes Indian Fish & Wildlife Commission (GLIFWC) Subcontracts for Water Resource Investigations for operation and maintenance of streamgages and/or water quality monitoring sensors at Salmon Trout, East Branch Salmon Trout Rivers and Middle Branch Escanaba River at US41/M28 near Humboldt

October 1, 2019 – September 30, 2020 \$44,406.00

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SUBCONTRACT WITH GREAT LAKES INDIAN FISH & WILDLIFE FOR THE STREAMGAGES WITH USGS ON THE RIVERS NEAR HUMBOLDT. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- d) FY2020 Tribal Permit and Registration Station Services Subcontract with Great Lakes Indian Fish & Wildlife Commission January 1, 2020 – December 31, 2020 \$35,923.00

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE FY2020 TRIBAL PERMIT AND REGISTRATION STATION SERVICES SUBCONTRACT WITH GREAT LAKES INDIAN FISH & WILDLIFE. CO-SUPPORTED BY GARY F. LOONSFOOT, JR. AND RANDALL R. HAATAJA. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- e) Entertainment Agreement [Rescheduled]
- 2. Danielle Webb, Tribal Attorney – James M. McClurken, Cambridge Research Consultants, Inc. Ethnohistorical Consulting Contract for research and analysis report on the swamp lands December 16, 2019 – September 30, 2020 \$72,590.00 from the BIA litigation support cost funding

**MOTION MADE BY TONI J. MINTON TO APPROVE THE ETHNOHISTORICAL CONSULTING CONTRACT WITH JAMES M. MCCLURKEN OF CAMBRIDGE RESEARCH CONSULTANTS, INC. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- 3. Kathy Mayo, Health Administrator/Robert Mayo (not present) – Insulation Bids (2) for the Donald A. LaPointe Health Center

**MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE BID FROM K2 INSULATION (NEGAUNEE, MI) IN THE AMOUNT OF \$13,262.00. SUPPORTED BY DON MESSER. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- 4. William W. Jondreau, Sr., Chief Judge (not present)/Violet Friisvall Ayres, Associate Judge –
  - a) Amendment to Housing Inmates Agreement with Baraga County, Michigan and Baraga County Sheriff's Department

The amendment will reduce the number of beds provided to KBIC from six to four at the Baraga County Correctional Facility for a fixed sum of \$160 for each full or fractional day that the Sheriff houses at least one inmate.

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE AMENDMENT TO HOUSING INMATES AGREEMENT. CO-SUPPORTED BY DOREEN G. BLAKER AND DON MESSER. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

b) Guardian Ad Litem (GAL) Attorney Retainer Agreements

- i. Joseph P. O’Leary
- ii. Glenn Sarka PLLC

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO TABLE BOTH ATTORNEY AGREEMENTS UNTIL CHIEF JUDGE WILLIAM JONDREAU, SR. IS AVAILABLE. CO-SUPPORTED BY RANDALL R. HAATAJA AND DON MESSER. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

5. Larry Denomie III, Ojibwa Casinos General Manager –

a) KBIC Purchasing and Procurement Policy – Amended for the Enterprise

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE AMENDED ENTERPRISE PURCHASING AND PROCUREMENT POLICY EXCLUDING THE ATTORNEY’S OFFICE MONTHLY REPORT REQUIREMENT TO THE COUNCIL ON APPROVED TIER I AND TIER II CONTRACTS AND AGREEMENTS. SUPPORTED BY ROBERT R.D. CURTIS, JR. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

b) Enterprise Employee Manual Amendment – Section VII Employee Conduct & Corrective Action D. Settlement of Appeal of Dismissal or Leave Without Pay

*D. The Appeals Officer may approve a settlement of any lost wages and or lost benefits for work the employee would have been scheduled. Processing of settlements shall be completed by the HR Director. Any and all grievances resolved at any step of the grievance procedure as contained in this policy shall be final.*

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE SECTION VII SUBSECTION D. SETTLEMENT OF APPEAL OF DISMISSAL OR LEAVE WITHOUT PAY AS WRITTEN BUT ADD: FOR A PERIOD OF UP TO 80 HOURS FOR WORK THE EMPLOYEE WOULD HAVE BEEN SCHEDULED RETRO TO THE DECISION DATE OF THE OUTSTANDING APPEAL. SUPPORTED BY RODNEY LOONSFOOT. EIGHT IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFERNIER, Rodney Loonsfoot, Don Messer), THREE OPPOSED (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- c) Creation of an IT Department for the Ojibwa Casinos; Organizational Structure and IT Analyst Job Description, Budget for remainder of FY20, and addition of position to the Enterprise Wage System

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE I.T. ANALYST FOR THE BARAGA AND MARQUETTE CASINOS WHICH INCLUDES UPDATING THE ORGANIZATIONAL STRUCTURE, THE BUDGET FOR THE REMAINDER OF THE YEAR, AND THE WAGE SYSTEM ADDING THE NEW POSITION. SUPPORTED BY DON MESSER. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Susan J. LaFERNIER, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- d) 906 Technologies Costs for Marquette Casino wireless internet service and cell boosters (Capex Funding – updated budget) \$21,281.13

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE PURCHASES FROM 906 TECHNOLOGIES FOR WIRELESS INTERNET SERVICE AND CELL BOOSTERS. SUPPORTED BY DON MESSER. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Randall R. Haataja, Don Messer), OPPOSED - 0, TWO ABSTAINING (Susan J. LaFERNIER, Rodney Loonsfoot), ABSENT - 0, MOTION CARRIED.**

- e) Weekly Update – available for your review

**Lunch: 12:35 - 1:40 p.m. (Toni Minton and Randall Haataja left)**

6. Sarah Smith, CEO –

- a) BIA Tribal Budget Formulation Preferred Program Ranking FY2022

**Don Messer returned from lunch at 1:45 p.m.**

The Council prioritized the top ten (same) budget funds in the event the BIA Budget was increased by 8%.

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE BIA PREFERRED RANKING PRIORITIES AS PRESENTED. SUPPORTED BY DON MESSER. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Randall R. Haataja), MOTION CARRIED.**

b) Weekly Update – available for your review

**Break: 2:32 – 2:41 p.m.**

7. Jacqueline Swartz/John Hopkins University – Resolution KB-003-2020 Robert Woods Johnson Foundation WIC Retention Formative Research Study

(18) month grant to investigate the reasons for declining WIC program participation in the last decade on the KBIC Reservation and to identify potential solutions.

**MOTION MADE BY DON MESSER TO APPROVE RESOLUTION KB-003-2020 ROBERT WOODS JOHNSON FOUNDATION WIC RETENTION FORMATIVE RESEARCH STUDY. SUPPORTED BY KIM KLOPSTEIN. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Randall R. Haataja), MOTION CARRIED.**

J. Closed Session:

1. Gary Loonsfoot, Jr., KBIC Cannabis Developer/Weekly Update [Open to KBIC Members]
2. Paul Mooney, Assistant Tribal Attorney - Additional Class III Game Under Section 3(B) of the 1993 Gaming Compact
3. Sarah Smith, CEO – Wage Analysis Update
4. Larry Denomie III, Ojibwa Casinos General Manager/Ed Janisse, Eagle Radio Manager - Eagle Radio Business Opportunity

**MOTION MADE BY RODNEY LOONSFOOT TO GO INTO CLOSED SESSION AT 3:10 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Randall R. Haataja), MOTION CARRIED.**

**Doreen Blaker left at 4:44 p.m.**

**MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 5:08 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Susan J. LaFernier, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Doreen G. Blaker, Randall R. Haataja), MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 5:09 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Gary F. Loonsfoot, Jr., Kim Klopstein, Robert R.D. Curtis, Jr., Eddy Edwards, Dale F. Goodreau, Susan J. LaFerner, Rodney Loonsfoot, Don Messer), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Doreen G. Blaker, Randall R. Haataja), MOTION CARRIED.**

Respectfully submitted,

Peggy Loonsfoot  
Administrative Specialist