

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

2017 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
JENNIFER MISEGAN, Vice President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
DOREEN G. BLAKER, Treasurer

ROBERT "R.D." CURTIS, JR.
FRED DAKOTA
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, JR.
RODNEY LOONSFOOT
ELIZABETH D. MAYO

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – OCTOBER 12, 2017 – 9:00 A.M.

APPROVED

NOV 02 2017

KBIC PRESIDENT'S OFFICE

SIGNATURE: pl

- A. Date: October 12, 2017
- B. Call to Order: Vice President Misegan called the meeting to order at 9:09 a.m.
- C. Invocation: Prayer by Jennifer Misegan, Vice President
- D. Roll Call: Present: Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 1:06 p.m.)
Doreen G. Blaker, Treasurer
Fred Dakota (arrived at 9:20 a.m., left at 11:10 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Elizabeth D. Mayo
- Absent: Warren C. Swartz, Jr., President
Robert R.D. Curtis, Jr.
Rodney Loonsfoot
- E. Declaration of Quorum: Vice President Misegan declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 12, 2017
- Additions: For Your Information- 2. Introduction of Sarah Woodruff, New School Counselor
3. Tobacco Manufacturing License Update
- Deletion: Old Business- 1. Larry Denomie III, CEO/Hannah Beesley, Personnel Director – b) Police Policy Manual

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY GARY F. LOONSFOOT, JR. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

G. For Your Information:

1. BIA Quarterly Fee To Trust Report – 4th Quarter 2017
2. Introduction of Sarah Woodruff, New School Counselor at KBIC DHHS
3. Tobacco Manufacturing License Update – a facility site inspection is scheduled for October 27, 2017

H. Recognize Scheduled Delegation/Individuals:

1. Patricia Toczydlowski, Keweenaw Land Trust (KLT) Project Specialist – Huron Bay Field Station (former Game Farm Property) Fence Removal Update and Request

Pat is requesting a donation of \$5,000.00 as part of the Abbaye Peninsula and Huron Bay Conservation Initiative for direct land acquisition and removing approximately 8 miles of fencing.

Fred Dakota arrived at 9:20 a.m.

The Council will take the donation request under consideration for a later date.

I. Approval of Meeting Minutes:

1. September 7, 2017

MOTION MADE BY RANDALL R. HAATAJA TO APPROVE THE SEPTEMBER 7, 2017 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
 - a) Lori Sherman, Natural Resources Director – Kleiman Pump and Well Drilling, Inc. Tier III Services Agreement (ending date November 30, 2017) \$33,760.24

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE TIER III SERVICES AGREEMENT WITH KLEIMAN PUMP AND WELL DRILLING TO PROVIDE PUMP REHABILITATION WORK INCLUDING REPLACEMENT OF PUMPING HARDWARE ON WELL #4 AT THE KBIC NATURAL RESOURCE DEPARTMENT FISH HATCHERY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

- b) Carole LaPointe, Health Administrator – Inter-Tribal Council of Michigan, Inc. (ITC)
 - i. Memorandum of Cooperative Agreement for the Affordable Care Act, Tribal Home Visiting Grant Program, “Partnership for Anishinaabe Binoojiiyensag” September 30, 2017 – September 29, 2018 \$146,000.00

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE MEMORANDUM OF COOPERATIVE AGREEMENT WITH ITC FOR THE TRIBAL HOME VISITING GRANT PROGRAM. SUPPORTED BY RANDALL R. HAATAJA. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

- ii. Sub-Contractual Agreement for the Mental Health Delivery System for Native Americans to advance the provision of Mental Health counseling, outreach and crisis intervention, and administrative services.
October 1, 2017 – September 30, 2018 \$33,573.00

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE SUB-CONTRACTUAL AGREEMENT WITH ITC FOR THE MENTAL HEALTH DELIVERY SYSTEM FOR NATIVE AMERICANS. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

- c) Bill Funke, Sr. – Funke’s Garage Automotive Repair New Business License
Application October 9, 2017 – October 8, 2018

MOTION MADE BY DOREEN G. BLAKER TO APPROVE BILL FUNKE, SR.’S NEW BUSINESS LICENSE FOR FUNKE’S GARAGE. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

Break: 9:48 – 10:06 a.m.

[Recognize Scheduled Delegation/Individuals]

2. John Estes, Principal Account Manager, Upper Michigan Energy Resources Corporation (UMERC)/Mike Foley, Project Manager, Coleman Engineering – Update on Baraga Generation Project

Site clearings will begin on October 30, 2017 to replace 11 to 13 culverts on Sarya Road and will continue in the Spring and Summer. They will contact the TERO Office regarding a job bank of Tribal members who are looking for work.

K. Old Business:

1. Larry Denomie III, CEO/Hannah Beesley, Personnel Director – Policy Amendments regarding Corrective Actions – Summer Youth Employment Program

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE POLICY AMENDMENTS TO THE SUMMER YOUTH EMPLOYMENT PROGRAM POLICY HANDBOOK AS DISCUSSED. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Susan J. LaFERNIER, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr.), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She does not like the use of the word “expectations,” it is unclear.

[New Business]

2. Jason Ayres, Real Estate Officer - Resolution KB-049-2017 Jamie L. Brotherton Recreational Lease 1 acre in L’Anse Township

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-049-2017 JAMIE L. BROTHERTON RECREATIONAL LEASE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

3. Larry Denomie III, CEO –

- a) LaCourt Bottled Gas Service Agreement for Guaranteed Price of LP Gas for heating and other purposes for residential and commercial properties associated with KBIC

LaCourt agrees to provide to KBIC and other Members participating under this Agreement a retail price of \$1.30 per gallon for the Tribe and \$1.40 per gallon for Tribal Members “Protection Rate” and if the wholesale price decreases, KBIC’s and Members’ price per gallon will also decrease proportionately.
November 1, 2017 – May 31, 2018

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE LACOURT BOTTLED GAS SERVICES AGREEMENT FOR THE GUARANTEED PRICING OF LP GAS FOR THE PERIOD OF NOVEMBER 1, 2017 THROUGH MAY 31, 2018. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

[Old Business]

2. Vice President Misegan – Michigan Indian Legal Services Public Defender. KBIC and LVD would split costs of \$47,500.00 per year and would provide more opportunities for Tribal members to be represented for various issues in Tribal Court. We currently contract with Brandon Rickard, Attorney from Marquette for criminal defense.

MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE CONTRACTING WITH THE MICHIGAN INDIAN LEGAL SERVICES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. THREE IN FAVOR (Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr.), FOUR OPPOSED (Susan J. LaFERNIER, Doreen G. Blaker, Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION DEFEATED.

[New Business]

3. Larry Denomie III, CEO -
b) Weekly Update

A meeting was held with Gundlach Champion this week regarding the casino projects. The Guaranteed Maximum Price will be coming next week and Larry believes it will be within budget.

2. Sarah Maki, Assistant CEO – Newsletter Editor Bids/Proposals (3)

The Council would like to see both Lauri Denomie and Stephen King prepare an article with pictures on the same topic and compare their articles.

Fred Dakota left at 11:10 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE NEWSLETTER EDITOR BID SELECTION UNTIL AN ASSIGNMENT WITH PHOTOS RELATED TO THE DRUG FREE WORKPLACE POLICY IS COMPLETED BY BOTH CANDIDATES DUE BEFORE NEXT THURSDAY MORNING. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Elizabeth D. Mayo), ONE OPPOSED (Gary F. Loonsfoot, Jr.), ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Gary Loonsfoot, Jr. stated his opposition: He would like to know if this is going to be required of all the bidding processes.

L. Closed Session:

1. Independent Appeals Officer Interview (1)
2. Budget Review [Open to KBIC Members] Sarah Maki, Assistant CEO/Larry Denomie III, CEO

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:22 A.M. AND OPEN TO KBIC MEMBERS FOR THE BUDGET REVIEW. SUPPORTED BY RANDALL R. HAATAJA. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Break: 11:23 - 11:36 a.m.

Lunch: 12:07 - 1:02 p.m.

Toni Minton arrived 1:06 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 2:08 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Ojibwa Building Supply Closure –

MOTION MADE BY ELIZABETH D. MAYO TO LIQUIDATE THE INVENTORY AT THE OJIBWA BUILDING SUPPLY AND HAVE AN OFFICIAL CLOSING DATE OF NOVEMBER 30, 2017. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), FOUR ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Independent Appeals Officer Interview (to hear employee grievances and appeal of termination)

MOTION MADE BY ELIZABETH D. MAYO TO MOVE FORWARD WITH THE INDEPENDENT APPEALS OFFICER HIRING OF STEPHEN SERRAINO AND NEGOTIATE A WAGE. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

FY2018 Budget –

MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE FY2018 BUDGET. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), TWO OPPOSED (Susan J. LaFernier, Elizabeth D. Mayo), ONE ABSTAINING (Toni J. Minton), FOUR ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 2:14 P.M. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – OCTOBER 12, 2017 – 9:00 A.M.

A. Date: October 12, 2017

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Jennifer Misegan, Vice President
- ___ Susan J. LaFerner, Secretary
- ___ Toni J. Minton, Assistant Secretary
- ___ Doreen G. Blaker, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Randall R. Haataja
- ___ Michael F. LaFerner, Sr.
- ___ Gary F. Loonsfoot, Jr.
- ___ Rodney Loonsfoot
- ___ Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: October 12, 2017

G. For Your Information:

1. BIA Quarterly Fee To Trust Report – 4th Quarter 2017

H. Recognize Scheduled Delegation/Individuals:

1. Patricia Toczydlowski, Keweenaw Land Trust Project Specialist – Huron Bay Field Station (former Game Farm Property) Fence Removal Update/Request – **9:00 a.m.**
2. John Estes, Principal Account Manager, Upper Michigan Energy Resources Corporation (UMERC)/Mike Foley, Project Manager, Coleman Engineering – Update on Baraga Generation Project – **10:00 a.m.**

I. Approval of Meeting Minutes:

1. September 7, 2017

J. Old Business:

1. Larry Denomie III, CEO/Hannah Beesley, Personnel Director – Policy Amendments regarding Corrective Actions
 - a) Youth
 - b) Police
2. Vice President Misegan – Michigan Indian Legal Services Public Defender

K. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
 - a) Lori Sherman, Natural Resources Director – Kleiman Pump and Well Drilling, Inc. Tier III Services Agreement
 - b) Carole LaPointe, Health Administrator – Inter-Tribal Council of Michigan, Inc.
 - i. Memorandum of Cooperative Agreement for the Affordable Care Act, Tribal Home Visiting Grant Program, “Partnership for Anishinaabe Binoojiiyensag”
 - ii. Sub-Contractual Agreement for the Mental Health Delivery System for Native Americans
 - c) Bill Funke, Sr. – Funke’s Garage Automotive Repair New Business License Application
2. Jason Ayres, Real Estate Officer - Resolution KB-049-2017 Jamie L. Brotherton Recreational Lease
3. Sarah Maki, Assistant CEO – Newsletter Editor Bids (3)
4. Larry Denomie III, CEO –
 - a) LaCourt Bottled Gas Service Agreement for Guaranteed Price of LP Gas
 - b) Weekly Update

L. Closed Session:

1. Independent Appeals Officer Interview – **1:00 p.m.**
2. Budget Review [Open to KBIC Members]

M. Adjournment: