

# KEWEENAW BAY INDIAN COMMUNITY

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

## 2015 TRIBAL COUNCIL

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

ROBERT "R.D." CURTIS, JR.  
EDDY EDWARDS  
RANDALL R. HAATAJA  
MICHAEL F. LAFERNIER, SR.  
GARY F. LOONSFOOT, SR.  
DON MESSER, JR.  
DONALD SHALIFOE, SR.

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – MAY 14, 2015 – 9:00 A.M.**

**APPROVED**  
6-25-15

- A. Date: May 14, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:06 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Toni J. Minton, Secretary  
Susan J. LaFernier, Assistant Secretary  
Doreen G. Blaker, Treasurer  
Robert R.D. Curtis, Jr. (left at 11:23 a.m.)  
Eddy Edwards (left at 11:23 a.m.)  
Randall R. Haataja  
Michael F. LaFernier, Sr.  
Don Messer, Jr.
- Absent: Jennifer Misegan, Vice President  
Gary F. Loonsfoot, Sr.  
Donald Shalifoe, Sr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 14, 2015

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE AGENDA. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

G. For Your Information:

1. Draft Enterprises Employee Manual
2. Proposed Constitutional Amendment - Article IX Judicial Branch – to establish a Tribal Judiciary System known as the Keweenaw Bay Tribal Court (submitted by the Constitution Convention Committee)

H. New Business:

1. Nicholas Bogaert/Danielle Webb, Assistant Tribal Attorney – Affordable Glass Pro Business License Application (New)

Nicholas Bogaert stated he has \$500,000.00 liability insurance.

**MOTION MADE BY DON MESSER, JR. TO APPROVE THE AFFORDABLE GLASS PRO NEW BUSINESS LICENSE FOR NICHOLAS BOGAERT. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

2. Doug Smith/Danielle Webb, Assistant Tribal Attorney – Lucky 7's Restaurant Food Service Business License Renewal (John Gervais owner - not present)

**MOTION MADE BY DON MESSER, JR. TO APPROVE THE LUCKY 7'S RESTAURANT FOOD SERVICE BUSINESS LICENSE RENEWAL FOR JOHN GERVAIS. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

3. David B. Denomie/Danielle Webb, Assistant Tribal Attorney – Rip Rok Logging Business License Application (New)

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE RIP ROK LOGGING NEW BUSINESS LICENSE FOR DAVID B. DENOMIE. SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

4. Lori Sherman, Director of Natural Resources Department/Danielle Webb, Assistant Tribal Attorney –

- a) Great Lakes Indian Fish and Wildlife Commission Biological Services Subcontract

\$7,500.00 to monitor and maintain the adult sea lamprey assessment trap at the Misery River and provide a means of travel to and from the trap site for ten weeks in the spring of 2015

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BIOLOGICAL SERVICES SUBCONTRACT BETWEEN THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION AND THE KEWEENAW BAY INDIAN COMMUNITY. CO-SUPPORTED BY MICHAEL F. LAFERNIER, SR. AND DON MESSER, JR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

b) Wild Rice Sign at the Public Boat Landing at our Marina.

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE WILD RICE SIGN. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

**Break: 9:26 – 9:48 a.m.**

5. Doreen Blaker, Treasurer –

- a) Baraga/Marquette 2% Worksheets
- b) Resolution KB-021-2015 Baraga 2%
- c) Resolution KB-022-2015 Marquette 2%

The request letters were reviewed for more discussion

**MOTION MADE BY DOREEN G. BLAKER TO TABLE THE BARAGA AND MARQUETTE 2% REQUESTS UNTIL NEXT THURSDAY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

**Break: 10:07 – 10:30 a.m.**

6. Carole LaPointe, Health Administrator/Danielle Webb, Assistant Tribal Attorney –

- a) Michigan Public Health Institute (MPHI) Subcontractor Agreement and MPHI Contractual Agreement Amendment No. 1

\$10,000.00 to assist in becoming accredited through the Public Health Accreditation Board and the National Indian Health Board (to be spent by September 2015)

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE MICHIGAN PUBLIC HEALTH INSTITUTE SUBCONTRACTOR AGREEMENT AND THE CONTRACTUAL AGREEMENT AMENDMENT NUMBER ONE. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Susan J. LaFernier), THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

- b) Magellan Rx Management Participating Pharmacy Agreement Amendment No. 1 (Renewal)

Magellan reviews and ensures we receive third party revenues from Medicare and Medicaid.

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE MAGELLAN RX MANAGEMENT PARTICIPATING PHARMACY AGREEMENT. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

- c) Prime Therapeutics, LLC Pharmacy Participation Agreement

Prime's Pharmacy Networks provides cost-effective pharmacy solutions and management.

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE PRIME THERAPEUTICS, LLC PHARMACY AGREEMENT. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

I. Closed Session:

- 1. Carole LaPointe, Health Administrator/Danielle Webb, Assistant Tribal Attorney - Dr. Peter Benson, M.D., Physician's Employment Agreement (and Medical Director). May 14, 2015 – May 13, 2018

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:50 A.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

**MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 11:20 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

Dr. Peter Benson, M.D., Physician's Employment Agreement –

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE PHYSICIAN'S EMPLOYMENT AGREEMENT BETWEEN DR. BENSON, M.D. AND THE KEWEENAW BAY INDIAN COMMUNITY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

**Lunch: 11:23 a.m. – 1:03 p.m. (Robert R.D. Curtis, Jr. and Eddy Edwards left)**

J. Recognize Scheduled Delegation/Individuals:

1. Shawn Frank/Mary Magnuson, The Jacobson Law Group - BIA Office of Justice Services, Division of Tribal Justice Support (TJS) – The Tribal Court Assessment was conducted on September 15-17, 2014 to follow the mandates of the Tribal Justice Support Act of 1994 which requires the B.I.A. to provide an annual survey report on the status of federally funded Tribal Courts.

Violet Friisvall Ayres, Lauri Denomie, Emily Evans, Alan Rajacic, Holley Makela, Kristin Olsen, Suzanne Kahkonen, Danielle Webb present

The assessors reviewed the recommendations and strategic action plan. Their recommendations included revisions and updating of the Tribal Code, development of policies and procedures manuals, staffing and training opportunities, equipment needs, Court facility security measures, case management software needs, updating the Community's webpage, accessibility of Court information, and ensure that the judicial independence is maintained at all times without the interference of the Tribal Council or tribal politics.

The assessors commended the Court on clarity and fairness and stated the Community is greatly represented and they are available to assist with seeking funding for the identified areas in the strategic action plan.

K. Adjournment:

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 2:07 P.M. SUPPORTED BY DON MESSER, JR. SIX IN FAVOR (Toni J. Minton, Susan J. LaFerner, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFerner, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Peggy Loonsfoot". The signature is written in black ink and is positioned above the typed name and title.

Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**TRIBAL CENTER CONFERENCE ROOM**  
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A. Date: May 14, 2015

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:                   \_\_\_ Warren C. Swartz, Jr., President  
                                     \_\_\_ Jennifer Misegan, Vice President  
                                     \_\_\_ Toni J. Minton, Secretary  
                                     \_\_\_ Susan J. LaFernier, Assistant Secretary  
                                     \_\_\_ Doreen G. Blaker, Treasurer  
                                     \_\_\_ Robert R.D. Curtis, Jr.  
                                     \_\_\_ Eddy Edwards  
                                     \_\_\_ Randall R. Haataja  
                                     \_\_\_ Michael F. LaFernier, Sr.  
                                     \_\_\_ Gary F. Loonsfoot, Sr.  
                                     \_\_\_ Don Messer, Jr.  
                                     \_\_\_ Donald Shalifoe, Sr.

E. Declaration of Quorum:

F. Approval of Agenda: May 14, 2015

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2. Proposed Constitutional Amendment - Article IX Judicial Branch – to establish a Tribal Judiciary System known as the Keweenaw Bay Tribal Court (submitted by the Constitution Convention Committee)

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2. Doug Smith/Danielle Webb, Assistant Tribal Attorney – Lucky 7's Restaurant Food Service Business License Renewal
3. David B. Denomie/Danielle Webb, Assistant Tribal Attorney – Rip Rok Logging Business License Application (New)

4. Lori Sherman, Director of Natural Resources Department/Danielle Webb, Assistant Tribal Attorney –
  - a) Great Lakes Indian Fish and Wildlife Commission Biological Services Subcontract
  - b) Wild Rice Sign
5. Carole LaPointe, Health Administrator/Danielle Webb, Assistant Tribal Attorney –
  - a) Michigan Public Health Institute (MPHI) Subcontractor Agreement and MPHI Contractual Agreement Amendment No. 1
  - b) Magellan Rx Management Participating Pharmacy Agreement
  - c) Prime Therapeutics, LLC Pharmacy Agreement
6. Doreen Blaker, Treasurer –
  - a) Baraga/Marquette 2% Worksheets
  - b) Resolution KB-021-2015 Baraga 2%
  - c) Resolution KB-022-2015 Marquette 2%

I. Closed Session:

1. Carole LaPointe, Health Administrator/Danielle Webb, Assistant Tribal Attorney - Dr. Benson, M.D., Physician's Employment Agreement

J. Recognize Scheduled Delegation/Individuals:

1. BIA Office of Justice Services, Division of Tribal Justice Support (TJS) – Tribal Court Assessment – **1:00 p.m.**

K. Adjournment: