

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
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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
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – AUGUST 27, 2015 – 9:00 A.M.**

APPROVED

10-8-15

- A. Date: August 27, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:00 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President (left 1:11 – 1:17 p.m.)
Toni J. Minton, Secretary (arrived at 9:06 a.m., left at 10:43 a.m.)
Susan J. LaFernier, Assistant Secretary
Doreen G. Blaker, Treasurer (left 9:46 a.m. – 2:44 p.m.)
Eddy Edwards (left at 10:43 a.m.)
Randall R. Haataja (arrived at 9:02 a.m., left at 2:42 p.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Don Messer, Jr.
Donald Shalifoe, Sr. (arrived at 9:15 a.m., left at 10:43 a.m.)
Absent: Robert R.D. Curtis, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 27, 2015
- Additions: Old Business- 2. Michael LaFernier, Sr. – The Rez Stop Gas Station
New Business- 5. Don Messer, Jr., Baraga Ojibwa Casino Manager – Oasis Training Request

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

Randall Haataja arrived at 9:02 a.m.

G. Recognized Scheduled Delegation/Individuals:

1. Philip Keyes – Ignite Leadership Conference on September 25, 2015 at the Magnuson Franklin Square Inn Downtown Houghton

The conference is for anyone who provides a leadership role in their community.

Toni Minton arrived at 9:06 a.m.

Patricia Farley was present to take inventory of the Council members' laptops and other devices. She stated the I.T. audit report will be here by September 16, 2015 for review and discussed on September 24, 2015.

H. Closed Session:

1. Gaming Commissioner Interviews (2)

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 9:08 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

Donald Shalifoe, Sr. arrived at 9:15 a.m.

Doreen Blaker left at 9:46 a.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 9:54 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Break: 9:53 – 10:02 a.m.

[Recognized Scheduled Delegation/Individuals]

2. Joseph O'Leary, Baraga County Prosecuting Attorney – Pigs Update (not present)

I. Old Business:

1. Michael F. LaFernier, Sr. – The Rez Stop Gas Station

Mike inquired if a canopy was going to be placed over the gas pumps.

There is no funding to construct a canopy at this time and it was not considered in the building amount.

2. Larry Denomie III, CEO – 10.1 Annual Leave Policy (B.3) Carryover related to the 240 Hour Limit that was extended prior to September 30, 2015 for the Government and Enterprise employees.

MOTION MADE BY JENNIFER MISEGAN TO EXTEND THE DEADLINE TO JANUARY 1, 2016 FOR EMPLOYEES TO UTILIZE THEIR ANNUAL LEAVE AND EACH PERSON MUST DEVELOP A PLAN AND SUBMIT IT TO THE CEO'S OFFICE IMMEDIATELY. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Eddy Edwards stated his opposition: He would have liked to buy them out, not cut them off.

[Recognized Scheduled Delegation/Individuals]

3. James Watchorn - Donation Request for a 2008 Wheelchair Lift Van Purchase for \$12,523.00. He is requesting \$6,523.00.

MOTION MADE BY EDDY EDWARDS TO DONATE \$6,523.00 TO JAMES WATCHORN TOWARDS THE PURCHASE OF A WHEELCHAIR LIFT VAN.

Motion died for lack of support.

Eddy Edwards left at 10:37 a.m.

MOTION MADE BY JENNIFER MISEGAN TO HAVE BETH KOSKI INVESTIGATE THE NEED AND COST FOR A WHEELCHAIR LIFT VAN FOR ALL SENIORS/DISABLED USE AND REPORT BACK TO THE COUNCIL. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.

Recess: 10:43 a.m. - 1:05 p.m. (Toni Minton left at 10:43 a.m.)

After the recess there was no quorum present but the Council continued with the HIPAA training.

4. Michael Popp/MJP Healthcare Consulting – HIPAA Training PowerPoint

Randall Haataja returned from recess at 1:08 p.m.

Jennifer Misegan left 1:11 – 1:17 p.m.

President Swartz re-declared a quorum present and proceeded with the order of business.

HIPAA (Health Insurance Portability and Accountability Act of 1996) protects all “individually identifiable health information”

MOTION MADE BY JENNIFER MISEGAN TO MANDATE ALL ENTITIES WITHIN THE TRIBE AFFECTED BY HIPAA ATTEND TRAINING; SPECIFICALLY DHHS, NEW DAY, OUTPATIENT SERVICES, SOCIAL SERVICES, CAP, AND ANY OTHER DEPARTMENT NECESSARY THAT DEALS WITH PATIENT INFORMATION AND TO DEVELOP POLICIES AS SOON AS POSSIBLE DEALING WITH HIPAA AND THE VIOLATIONS FOR BOTH EMPLOYEES AND PATIENTS. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

J. New Business:

1. Bruce LaPointe, Director of Public Works Department – The Kivi’s Well Installment (Bessemer, MI)/Abandonment Bids (4)

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE BID FROM RHINELANDER WELL DRILLING FOR THE KIVI WELL INSTALLMENT AND WELL ABANDONMENT IN THE AMOUNT OF \$10,522.50. SUPPORTED BY DON MESSER, JR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

2. Dale Goodreau (not present)/Danielle Webb, Assistant Tribal Attorney – Salon 41 Business License Renewal (name change from Hey! Beautiful)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE DALE GOODREAU’S BUSINESS LICENSE RENEWAL FOR SALON 41. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

3. Larry Denomie III, CEO –

- a) Bruce LaPointe, Director of Public Works Department - The Rez Stop Gas Station Curb and Slab Bids (2)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BID FROM DP CONSTRUCTION IN THE AMOUNT OF \$11,900.00 FOR THE CURBING AND SLABS AT THE REZ STOP GAS STATION. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

- b) Weekly Update (written)

4. Don Messer, Jr., Baraga Ojibwa Casino Manager/Michael Schrader, Ojibwa Casinos General Manager – Aristocrat Oasis Training Request \$4,792.00 plus travel expenses

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE OASIS TRAINING REQUEST IN THE AMOUNT OF \$4,792.00 AND ALSO THE TRAVEL RELATED EXPENSES. CO-SUPPORTED BY RANDALL R. HAATAJA AND GARY F. LOONSFOOT, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Larry Denomie III, CEO – I-5 Design Update PowerPoint

Randall Haataja left at 2:42 p.m.

Doreen Blaker returned at 2:44 p.m.

Michael Schrader, Ojibwa Casinos General Manager – Bi-weekly Update

5. Susan LaFernier, Assistant Secretary –

- a) Schedule Employee Issue

Danielle Webb will explain the process with this person. (It is a TERO complaint)

- b) Schedule Government Employee Appeal of Dismissal Hearing Case #014-15

The hearing was scheduled for September 3, 2015 at 1:00 p.m.

Gaming Commissioner Appointment

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPOINT ELIZABETH MAYO AS A GAMING COMMISSIONER FOR A THREE-YEAR TERM. SUPPORTED BY DON MESSER, JR. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

K. Approval of Meeting Minutes:

1. October 30, 2014

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MEETING MINUTES OF OCTOBER 30, 2014. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

2. December 6, 2014

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MEETING MINUTES OF DECEMBER 6, 2014. SUPPORTED BY GARY F. LOONSFOOT, SR. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

3. December 11, 2014

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE MEETING MINUTES OF DECEMBER 11, 2014. SUPPORTED BY JENNIFER MISEGAN. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

4. December 18, 2014

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MEETING MINUTES OF DECEMBER 18, 2014 WITH THE CHANGE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

5. December 19, 2014

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE MEETING MINUTES OF DECEMBER 19, 2014. SUPPORTED BY JENNIFER MISEGAN. FOUR IN FAVOR (Jennifer Misegan, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, TWO ABSTAINING (Susan J. LaFERNIER, Doreen G. Blaker), FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, SR. TO ADJOURN AT 3:35 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFERNIER, Doreen G. Blaker, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – AUGUST 27, 2015 – 9:00 A.M.

A. Date: August 27, 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: August 27, 2015

G. For Your Information:

H. Recognized Scheduled Delegation/Individuals:

1. Philip Keyes – Ignite Leadership Conference on September 25, 2015 at the Magnuson Franklin Square Inn Downtown Houghton
2. Joseph O'Leary, Baraga County Prosecuting Attorney – Pigs Update
3. James Watchorn - Donation Request for Wheelchair Lift Van Purchase
4. Michael Popp/MJP Healthcare Consulting – HIPAA Training – **1:00 p.m.**

I. Approval of Meeting Minutes:

1. October 30, 2014
2. December 6, 2014
3. December 11, 2014
4. December 18, 2014
5. December 19, 2014

J. Old Business:

1. Larry Denomie III, CEO – Annual Leave Policy (B.3) Carryover related to 160 Hour Limit

K. New Business:

1. Dale Goodreau/Danielle Webb, Assistant Tribal Attorney – Salon 41 Business License Renewal (name change from Hey! Beautiful)
2. Bruce LaPointe, Director of Public Works Department - Kivi Well Installment/Abandonment Bids (4)
3. Larry Denomie III, CEO –
 - a) The Rez Stop Gas Station Curb and Slab Bids (2)
 - b) Weekly Update
4. Susan LaFernier, Assistant Secretary –
 - a) Schedule Employee Issue
 - b) Schedule Government Appeal of Dismissal Case #014-15

L. Closed Session:

1. Gaming Commissioner Interviews (2) – **9:10 - 9:50 a.m.**

M. Adjournment: