

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 – NOVEMBER 19, 2015 – 9:00 A.M.**

APPROVED
12-10-15

- A. Date: November 19, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:09 a.m.
- C. Invocation: Lord's Prayer and a moment of silence for the passing of Myrtle Tolonen, the first woman President of the Tribal Council
- D. Roll Call: Present: 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 (arrived at 9:13 a.m., left at 10:47 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Don Messer, Jr.
- Absent: Donald Shalifoe, Sr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: November 19, 2015
- Additions: New Business-
1. President Swartz – Save the Wild U.P. Donation Request
 5. Michael Schrader, Ojibwa Casinos General Manager – The Red Circle Report
 6. Jennifer Misegan, Vice President – The Holding Company Update

Deletions:

2. Larry Denomie III, CEO/Ed Janisse, Eagle Radio Manager – a) Richard Tuisku “Dick Storm” Employment Agreement
4. Danielle Webb, Assistant Tribal Attorney – b) Rez Stop Renewal Licenses for Alcoholic Beverages/Taxed Tobacco Products/Business

Eddy Edwards arrived at 9:13 a.m.

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

G. Recognize Scheduled Delegation/Individuals:

1. Gerald “Joe” Kirkish – Request to Research KBIC History in Smithsonian Archives/Washington D.C.

Joe requested a letter authorizing him to research the history of our Tribe while he is in Washington D.C. and Chicago, Illinois. His plans are to hitchhike to D.C. and Chicago from December 1, 2015 through April 1, 2016.

MOTION MADE BY DOREEN G. BLAKER TO APPROVE A LETTER ALLOWING GERALD KIRKISH TO RESEARCH INFORMATION IN WASHINGTON D.C. AND CHICAGO FOR THE PURPOSE OF SEEKING THE HISTORY OF THE KEWEENAW BAY INDIAN COMMUNITY. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO DONATE \$1,000.00 TO GERALD KIRKISH FOR TRAVEL EXPENSES. CO-SUPPORTED BY MICHAEL F. LAFERNIER, SR. AND DON MESSER, JR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

H. Old Business:

1. Doreen Blaker, Treasurer – Baraga \$130,157.46/Marquette \$177,379.70 2% Worksheets

Break: 9:34 – 9:36 a.m.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-058-2015 MARQUETTE 2% AS DISCUSSED. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

Bay Ambulance submitted a request for 2% funds for operating expenses. The Council discussed a surplus in the 3rd Party Clinic fund number 650 that could be utilized to grant the request.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE A DONATION FOR BAY AMBULANCE IN THE AMOUNT OF \$30,000.00 TO COME OUT OF THE CLINIC THIRD PARTY 650. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-057-2015 BARAGA 2% AS DISCUSSED. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

Jennifer Misegan stated the 2% calculation is based on what we used to pay in lieu of taxes prior to the property tax lawsuit win, it is not anything they demand and it's not that we are made to give, it is based on our agreement with them and we live in the community and utilize the same services.

Eddy Edwards stated his opposition: He believes we are using an old tax formula that was used in the past to tax our property.

I. New Business:

1. President Swartz – “Save the Wild U.P.” Marquette, MI, fighting to protect the U.P.’s clean water and wild places Donation Request

MOTION MADE BY JENNIFER MISEGAN TO APPROVE A DONATION OF \$2,500.00 TO “SAVE THE WILD U.P.” SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

2. Toni Minton, Secretary – Spaghetti Dinner Benefit Donation Request on November 21, 2015 for the Pete and Rebecca Dove family who have recently had a house fire that resulted in a complete loss of personal belongings and damage to their home.

MOTION MADE BY TONI J. MINTON TO APPROVE A DONATION OF \$100.00 TO THE PETE AND REBECCA DOVE FAMILY FOR THE SPAGHETTI DINNER BENEFIT. CO-SUPPORTED BY SUSAN J. LAFERNIER AND RANDALL R. HAATAJA. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

3. Larry Denomie III, CEO – Weekly Update

The Ojibwa I and II Casino projects and maintenance items were discussed.

Sam Olbekson from Cuningham Group will have new designs that will be on display during the Christmas Gift Check distribution for members to view.

Larry will be sending a mailing to the membership with information related to the new casino projects before the General Election as a proposal will be on the ballot for their consideration.

Michael Schrader, Ojibwa Casinos General Manager informed the Council that the heating unit for the conference room and some areas of carpet need to be replaced. The Council consensus was to wait until after the ballot proposal results are in before any further action.

4. Danielle Webb, Assistant Tribal Attorney –

- a) Ojibwa BP Gas Station Renewal Licenses for Alcoholic Beverages/Taxed Tobacco Products/Business License for the Ojibwa Laundromat & Carwash and Ojibwa BP December 1, 2015 – November 30, 2016

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE OJIBWA BP RENEWAL LICENSES FOR ALCOHOLIC BEVERAGES, TAXED TOBACCO PRODUCTS, AND BUSINESS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

- b) Rez Stop Gas Station Renewal Licenses for Alcoholic Beverages/Taxed Tobacco Products/Business December 1, 2015 – November 30, 2016

This item was deleted from the agenda but added back on as the certificate of liability insurance that the Attorney had requested has been provided. The tobacco license was amended to un-taxed tobacco products.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE REZ STOP RENEWAL LICENSES FOR ALCOHOLIC BEVERAGES, UN-TAXED TOBACCO PRODUCTS, AND BUSINESS. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

Break: 10:16 – 10:29 a.m.

c) Carole LaPointe, Health Administrator –

i. Ronald James Carmody, DDS, Dentist Employment Agreement

The agreement shall have a six month term and shall commence on October 1, 2015 and shall expire on March 31, 2016, unless terminated earlier as provided in the agreement.

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE DENTIST EMPLOYMENT AGREEMENT WITH RONALD JAMES CARMODY, DDS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

ii. Cynthia Rae Gourneau, R.Ph., Chief Pharmacist Employment Agreement

The agreement shall be for a period of two years and shall commence on October 1, 2015 and expire on September 30, 2017, unless terminated earlier as provided in the agreement.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE CHIEF PHARMACIST EMPLOYMENT AGREEMENT WITH CYNTHIA RAE GOURNEAU, R.Ph. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

d) Michael Schrader, Ojibwa Casinos General Manager/Christopher Schofield, Slot Manager – Aruze Gaming Device Order - Baraga

The original agreement was signed last year by Eddy Edwards with a limited waiver of sovereign immunity on July 1, 2014. Multiply orders happened last year without the Council's knowledge. The contract has no termination clause for KBIC in the master agreement and the choice of court provision is in Nevada.

Two Council Members do not have the authority to waive sovereign immunity; only the Council as a whole.

The lease term shall be 180 days from installation of the product. (4/27/2015 requested delivery date)

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE ARUZE GAMING DEVICE ORDER. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

5. Michael Schrader, Ojibwa Casinos General Manager – The Red Circle Agency Report (former casino marketing services vendor)

Eddy Edwards left at 10:47 a.m.

The Red Circle Agency is an advertising agency that was working for our Marquette Casino. Their services have been discontinued as of November 1, 2015. Michael stated he has hired another agency that will provide twice the product for half the cost. The agency sent a packet to Eddy Edwards containing unprofessional and deceiving information. The Council consensus was to support Michael's efforts in handling the situation.

6. Jennifer Misegan, Vice President – The Holding Company Update (will return to later in the day)

J. Closed Session:

1. Danielle Webb, Assistant Tribal Attorney – Tribal Elder Wills
2. Larry Denomie III, CEO –
 - a) Employee Issues
 - b) Health Insurance Update

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 11:02 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Break: 11:03 – 11:14 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 12:17 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

The Holding Company Expenses (Additional loan)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE A LOAN TO THE HOLDING COMPANY IN THE AMOUNT OF \$150,000.00. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 12:20 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, 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 – NOVEMBER 19, 2015 – 9:00 A.M.

A. Date: November 19, 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: November 19, 2015

G. Recognize Scheduled Delegation/Individuals:

1. Gerald Kirkish – Request to Research KBIC History in Smithsonian Archives/Washington D.C.

H. Old Business:

1. Doreen Blaker, Treasurer – Baraga/Marquette 2% Worksheets

I. New Business:

1. Toni Minton, Secretary – Spaghetti Dinner Benefit Donation Request
2. Larry Denomie III, CEO –
 - a) Ed Janisse, Eagle Radio Manager - Richard Tuisku "Dick Storm" Employment Agreement
 - b) Weekly Update

3. Danielle Webb, Assistant Tribal Attorney –
 - a) Ojibwa BP Renewal Licenses for Alcoholic Beverages/Taxed Tobacco Products/Business
 - b) Rez Stop Renewal Licenses for Alcoholic Beverages/Taxed Tobacco Products/Business
 - c) Carole LaPointe, Health Administrator –
 - i. Ronald James Carmody, DDS, Dentist Employment Agreement
 - ii. Cynthia Rae Gourneau, R.Ph., Pharmacist Employment Agreement
 - d) Michael Schrader, Ojibwa Casinos General Manager/Christopher Schofield, Slot Manager – Aruze Gaming Device Order

J. Closed Session:

1. Danielle Webb, Assistant Tribal Attorney – Tribal Elder Wills
2. Larry Denomie III, CEO –
 - a) Employee Issues
 - b) Health Insurance Update

K. Adjournment: