

# 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**  
**WEDNESDAY – NOVEMBER 22, 2017 – 9:00 A.M.**

**APPROVED**

JAN 06 2018

KBIC PRESIDENT'S OFFICE

SIGNATURE: 

- A. Date: November 22, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord's Prayer and recognition of Native American Heritage Month and Diabetes Awareness
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Jennifer Misegan, Vice President  
Susan J. LaFerner, Secretary  
Toni J. Minton, Assistant Secretary (arrived at 9:17 a.m., left at 10:56 a.m.)  
Doreen G. Blaker, Treasurer  
Robert R.D. Curtis, Jr.  
Fred Dakota (arrived at 9:11 a.m., left at 10:53 a.m.)  
Randall R. Haataja  
Michael F. LaFerner, Sr.  
Gary F. Loonsfoot, Jr.  
Rodney Loonsfoot (left at 9:53 a.m.)  
Elizabeth D. Mayo
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: November 22, 2017

Addition: New Business- 1. President Swartz – b) Mike McCoy Request

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE ADDITION. CO-SUPPORTED BY DOREEN G. BLAKER AND MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.**

G. Approval of Meeting Minutes:

**Fred Dakota arrived at 9:11 a.m.**

1. November 9, 2017

**MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE NOVEMBER 9, 2017 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFERNIER, Doreen G. Blaker, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Robert R.D. Curtis, Jr., Randall R. Haataja), ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

H. Old Business:

1. Doreen Blaker, Treasurer

- a) Resolution KB-056-2017 Baraga 2% \$129,291.03
- b) Resolution KB-057-2017 Marquette 2% \$159,247.78

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTIONS KB-056-2017 BARAGA 2% AND KB-057-2017 MARQUETTE 2%. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFERNIER, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

I. New Business:

1. President Swartz

- a) Dave Whitman (Coach) - Bus Use Request for the L'Anse High School Bowling Team

**Toni Minton arrived at 9:17 a.m.**

The Council consensus was to allow the use of a tribal owned vehicle as long as the Vehicle Use policy is followed and check to see if a Tribal member parent can drive the team as long as a security background check is completed.

- b) Mike McCoy, Legislative Director, Sault Tribe Request to sign a letter of support related to ICWA (Brackeen Texas v. Zinke Case)

The Michigan Attorney General (Bill Schuette) Office is asking all Michigan Tribes to sign a letter of support in reference to the State of Texas challenge of the constitutionality of the Indian Child Welfare Act.

Texas contends that ICWA violates the United States Constitution and that the state should not have to enforce it.

The Council consensus was to allow President Swartz to sign on to the letter of support.

2. Bobby Escobar, Assistant Tribal Attorney

a) Lori Sherman, Natural Resources Director

- i. Dave Whitman Construction Tier III Services Agreement for Outdoor Fish Tank Building Pavilion/Slab and Roof Project (Natural Resources Department)

\$17,219.40 term end date December 30, 2017

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE TIER III SERVICES AGREEMENT WITH DAVE WHITMAN CONSTRUCTION. SUPPORTED BY ELIZABETH D. MAYO. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- ii. Board of County Road Commissioners for the County of Baraga Project Agreement for a Culvert Replacement Crossing Secret Creek on Denomme Road

\$117,960.00 work completion date December 31, 2018

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE PROJECT AGREEMENT WITH THE BOARD OF COUNTY ROAD COMMISSIONERS FOR BARAGA COUNTY. CO-SUPPORTED BY SUSAN J. LAFERNIER AND RANDALL R. HAATAJA. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

- b) Kathy Mayo, Interim Health Administrator - Dale Schmeisser, R.D., Ph.D., Registered Dietician Services Agreement for the Diabetes Program

\$17,280.00 January 1, 2018 – December 31, 2018

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE REGISTERED DIETICIAN SERVICES AGREEMENT WITH DALE SCHMEISSER, R.D., Ph.D. CO-SUPPORTED BY RANDALL R. HAATAJA AND FRED DAKOTA. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

3. Larry Denomie III, CEO

a) Do it Best Repurchase of Preference Shares Request

**MOTION MADE BY ELIZABETH D. MAYO TO POSTPONE THE DO IT BEST SHARES SALE REQUEST UNTIL NOVEMBER 30, 2017 FOR MORE INFORMATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

b) Weekly Update

The Medicare policy change comments were developed and sent on Monday. The BIA meeting regarding the Fire Program is scheduled for December 19, 2017 at 9:00 a.m. The Ojibwa Building Supply store is closed today to prepare for the 90% off sale starting on Friday, November 24, 2017. The Housing Department and Public Works were both at the store to gather what is needed for their departments. Two Tribal members have requested to purchase the remaining inventory.

After discussion the Council would like to allow all Tribal members the opportunity to purchase the remaining inventory before the advertised sale begins at 8:00 a.m.

**MOTION MADE BY RODNEY LOONSFOOT TO ALLOW TRIBAL MEMBERS TO SHOP THE BLACK FRIDAY SALE ON NOVEMBER 24<sup>TH</sup> FROM 6:00 A.M. TO 8:00 A.M. BEFORE THE SALE BEGINS THAT HAS BEEN ADVERTISED. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Mike LaFernier suggested advertising the early sale on Face Book and anywhere else possible that is internal for Tribal Members.

[Old Business]

2. Bradley Dakota, Chief Judge (not present) – Budget Modification (letter)  
Chief Judge Dakota is requesting a Budget Modification for Tribal Court to cover the Healing to Wellness Counseling Expenses – (from the General Fund)

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE ADDITIONAL FUNDING IN THE AMOUNT OF \$29,200.00. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), TWO OPPOSED (Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

J. Closed Session:

1. Richard Geroux (not present)/Danielle Webb, Tribal Attorney – Jimaganish Wadokaged Tax Issue Update
2. Danielle Webb, Tribal Attorney - Update
3. Larry Denomie III, CEO –
  - a) Change in Transfer Request by Ojibwa Building Supply Employee
  - b) Nepotism Waiver Request – Enterprises Employee Manual

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO GO INTO CLOSED SESSION AT 9:52 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**Break: 9:53 - 9:58 a.m. (Rodney Loonsfoot left)**

**Fred Dakota left at 10:53 a.m.**

**Break: 10:56 - 11:00 a.m. (Toni Minton left)**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 11:50 A.M. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.**

Nepotism Waiver Request (Enterprises Employee Manual)

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE EAGLE RADIO REQUEST REGARDING THE NEPOTISM WAIVER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. THREE IN FAVOR (Jennifer Misegan, Randall R. Haataja, Michael F. LaFernier, Sr.), THREE OPPOSED (Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), TWO ABSTAINING (Susan J. LaFernier, Doreen G. Blaker), THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), TIE VOTE.**

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO TABLE UNTIL AFTER THE HOLIDAYS. SUPPORTED BY ROBERT R.D. CURTIS, JR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr.), TWO OPPOSED (Michael F. LaFernier, Sr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 11:52 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.**

Respectfully submitted,



Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
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**SPECIAL COUNCIL MEETING**  
**BIG BUCKS BINGO HALL**  
**WEDNESDAY – NOVEMBER 22, 2017 – 9:00 A.M.**

A. Date: November 22, 2017

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- 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

E. Declaration of Quorum:

F. Approval of Agenda: November 22, 2017

G. Approval of Meeting Minutes:

1. November 9, 2017

H. Old Business:

1. Bradley Dakota, Chief Judge – Budget Modification
2. Doreen Blaker, Treasurer
  - a) Resolution KB-056-2017 Baraga 2%
  - b) Resolution KB-057-2017 Marquette 2%

I. New Business:

1. President Swartz – Dave Whitman Bus Use Request

2. Bobby Escobar, Assistant Tribal Attorney –
  - a) Lori Sherman, Natural Resources Director
    - i. Dave Whitman Tier III Services Agreement for Outdoor Fish Tank Building Pavilion/Slab
    - ii. Board of County Road Commissioners Project Agreement for a Culvert Replacement Crossing Secret Creek on Denomme Road
  - b) Kathy Mayo, Interim Health Administrator - Dale Schmeisser, R.D., Ph.D., Registered Dietician Services Agreement for the Diabetes Program
3. Larry Denomie III, CEO
  - a) Do it Best Shares Sale Request
  - b) Weekly Update

J. Closed Session:

1. Richard Geroux – Jimaganish Wadokaged Tax Issue
2. Danielle Webb, Tribal Attorney - Update
3. Larry Denomie III, CEO –
  - a) Change in Transfer Request by Ojibwa Building Supply Employee
  - b) Nepotism Waiver Request – Enterprises Employee Manual

K. Adjournment: