

KEWEENAW BAY INDIAN COMMUNITY

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

2016 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
EDDY EDWARDS
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, SR.
DONALD SHALIFOE, SR.

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
FINANCE/SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – OCTOBER 13, 2016 – 9:00 A.M.

APPROVED
11-10-16

- A. Date: October 13, 2016
- B. Call to Order: President Swartz called the meeting to order at 9:11 a.m.
- C. Invocation: Lord's Prayer/prayers for Indian Country
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 2:01 p.m.)
Doreen G. Blaker, Treasurer (left 3:05 – 3:30 p.m.)
Robert R.D. Curtis, Jr. (left at 12:11 p.m.)
Fred Dakota (left at 11:01 a.m.)
Eddy Edwards (left at 3:05 p.m.)
Randall R. Haataja
Michael F. LaFernier, Sr. (arrived at 9:14 a.m.)
Gary F. Loonsfoot, Sr.
- 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: October 13, 2016
- Additions: Closed Session-
1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Update
 7. Larry Denomie III, CEO – Update on the BP and Rez Stop Gas Stations

Michael LaFernier, Sr. arrived at 9:14 a.m.

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

G. For Your Information:

1. Departments of the Interior, Justice, and Army - Federal Consultation with Tribes Regarding Infrastructure Decision-Making Follow-up
2. Office of Inspector General DHHS Audit Report on the Governmental Departments of the Community for October 1, 2014 – September 30, 2015
3. U.S. Geological Survey/BIA Partners in Action Conference Summary (held on July 19, 2016)
4. Registered Voters List for Primary Election 2016

An Information Technology (I.T.) Audit Report written by Thomas Chosa, Director, was handed out to the Council for review. (It was not added to the agenda)

H. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor –
 - a) West Publishing Corporation Subscription Contract; Westlaw Government Plan for Tribal Attorney's Office month-to-month subscription for up to three years to have access to Tribal Laws with other Tribes for (4) users

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE WEST PUBLISHING CORPORATION SUBSCRIPTION CONTRACT. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

- b) Dorsey & Whitney, LLP Special Counsel Contract one year term ending on September 30, 2017

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SPECIAL COUNSEL CONTRACT WITH DORSEY AND WHITNEY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE 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, Sr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

c) Ronald T. Edwards (not present) – Sidetrack Bar & Grill

i. Food Service Business License Renewal October 14, 2016 – October 13, 2017

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE FOOD SERVICE BUSINESS LICENSE RENEWAL FOR THE SIDETRACK BAR AND GRILL WITH RONALD T. EDWARDS. SUPPORTED BY DOREEN G. BLAKER. NINE 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, Sr.), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

ii. Alcoholic Beverage License Renewal October 14, 2016 – October 13, 2017
\$50,000 Liability Insurance Requirement

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE ALCOHOLIC BEVERAGE LICENSE RENEWAL FOR THE SIDETRACK BAR AND GRILL WITH RONALD T. EDWARDS. CO-SUPPORTED BY DOREEN G. BLAKER AND MICHAEL F. LAFERNIER, SR. NINE 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, Sr.), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

d) Carole LaPointe, Health Administrator (not present)/Kathy Mayo, Assistant Health Administrator - Inter-Tribal Council of Michigan, Inc.

i. Memorandum of Cooperative Agreement - Affordable Care Act/Tribal Home Visiting Grant Program \$148,000 September 30, 2016 - September 29, 2017

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE MEMORANDUM OF COOPERATIVE AGREEMENT WITH THE INTER-TRIBAL COUNCIL OF MICHIGAN FOR THE AFFORDABLE CARE ACT TRIBAL HOME VISITING GRANT PROGRAM. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

ii. Memorandum of Cooperative Agreement - U.P. Tribal Breast Health Coalition and Learning Collaborative \$2,500 September 29, 2016 – September 28, 2017

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE MEMORANDUM OF COOPERATIVE AGREEMENT WITH THE INTER-TRIBAL COUNCIL OF MICHIGAN FOR THE U.P. TRIBAL BREAST HEALTH COALITION AND LEARNING COLLABORATIVE GRANT PROGRAM. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

- e) Lori Sherman, Natural Resources Director - Environmental International, Ltd. Tier III Services Agreement to provide assistance in developing a set of Sediment and Surface Water Cleanup Criteria and Water Quality Standards that protect the health of Community members who rely on fish, aquatic plants, and wildlife for subsistence, traditional, cultural, and religious purposes and provide technical support. \$46,000 May 13, 2016 – December 30, 2016

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE TIER III SERVICES AGREEMENT WITH ENVIRONMENTAL INTERNATIONAL, LTD. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE 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, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

(Eddy Edwards is out of the room)

- 2. Bobby Escobar, Assistant Tribal Attorney/Jason Ayres, Real Estate Officer –

Donald A. LaPointe Health and Education Center and New Day Agreements with UPPCO and the Village of Baraga Electric Utility in order to receive credit for excess solar energy and reduce electric bills.

- a) The Village of Baraga Electric Utility Distributed Generation – Avoided Cost Agreement for Customer-Generator Renewable Energy Systems (Solar, Wind, Geothermal, Biomass, or Hydro Generation)
(We are waiting on the approval of Village of Baraga for this agreement)
- b) Interconnection and Parallel Operating Agreement for Category 2 Project by UPPCO

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE INTERCONNECTION AND PARALLEL OPERATING AGREEMENT FOR CATEGORY 2 PROJECT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

- 3. Jason Collins, Forester – Resolution KB-055-2016 Forest Development Project Proposal to implement the FY2017 Catherine Valentine Commercial Forest Stand Improvement (CFSI)/Plantation Brushing 12 acres at the Pinery Cemetery location \$5,720.00

MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-055-2016 FOREST DEVELOPMENT PROJECT. CO-SUPPORTED BY SUSAN J. LAFERNIER AND RANDALL R. HAATAJA. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

4. Larry Denomie III, CEO – Weekly Update

Larry is meeting with the Casino Project Work Group to discuss the final exhibits for the new hotel.

Don Wren, the new General Manager began work on October 10th and Larry plans to meet with him tomorrow.

The BP and Rez Stop gas stations were closed on Tuesday, October 11th and will re-open on the 16th. There are significant operational issues that need to be reviewed, the inventory needs to be properly completed, and significant cleaning. Larry will provide more detailed information in Closed Session.

I. Closed Session:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Update
2. Enterprise Employee Appeal of Dismissal Hearing Case #006-16
3. Jennifer Misegan, Vice President –
 - a) Danielle Webb, Tribal Attorney/Tribal Prosecutor - Tobacco Manufacturing
 - b) Updates
4. Pamela F. Queoff, M3 Insurance Senior Account Executive – Beartown Firefighters Accident [Skip Durocher on conference call]
5. Hannah Beesley, Personnel Director –
 - a) Police Department Wage Analysis
 - b) Personnel Issue
6. Budget Reviews – [Open to KBIC Members]
7. Larry Denomie III, CEO – Update on the BP and Rez Stop Gas Stations

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 9:59 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

Break: 10:00 – 10:07 a.m.

Fred Dakota left at 11:01 a.m.

Lunch: 12:11 – 1:05 p.m. (Robert R.D. Curtis, Jr. left)

Eddy Edwards returned from lunch at 1:13 p.m.

Toni Minton left at 2:01 p.m.

Break: 3:05 – 3:18 p.m. (Eddy Edwards left)

Doreen Blaker left 3:05 – 3:30 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 3:42 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Enterprise Employee Appeal of Dismissal Hearing Case #006-16

MOTION MADE BY DOREEN G. BLAKER TO TABLE THE HEARING CASE #006-16 UNTIL NEXT WEEK. SUPPORTED BY RANDALL R. HAATAJA. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Police Department Market Study Wage & Benefits Analysis

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE PROPOSED DEPARTMENT POSITION AND WAGE CHANGES FOR THE TRIBAL POLICE. SUPPORTED BY GARY F. LOONSFOOT, SR. FOUR IN FAVOR (Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Doreen G. Blaker), FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

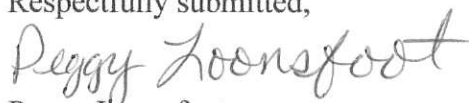
Tobacco (Cigarette) Manufacturing and wholesale distribution business joint venture – Allegany Capital Enterprises (affiliate of Seneca Manufacturing Company)

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE CIGARETTE MANUFACTURING JOINT VENTURE AGREEMENT, TERM SHEET, AND ESTABLISH AN ESCROW ACCOUNT. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, SR. TO ADJOURN AT 3:48 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
FINANCE/SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – OCTOBER 13, 2016 – 9:00 A.M.

A. Date: October 13, 2016

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
- ___ Eddy Edwards
- ___ Randall R. Haataja
- ___ Michael F. LaFernier, Sr.
- ___ Gary F. Loonsfoot, Sr.
- ___ Donald Shalifoe, Sr.

E. Declaration of Quorum:

F. Approval of Agenda: October 13, 2016

G. For Your Information:

1. Departments of the Interior, Justice, and Army - Federal Consultation with Tribes Regarding Infrastructure Decision-Making Follow-up
2. Office of Inspector General DHHS Audit Report on the Governmental Departments of the Community for October 1, 2014 – September 30, 2015
3. U.S. Geological Survey/BIA Partners in Action Conference Summary (held on July 19, 2016)
4. Registered Voters List for Primary Election 2016

H. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor –
 - a) West Publishing Corporation Subscription Contract; Westlaw Government Plan for Tribal Attorney's Office
 - b) Dorsey & Whitney, LLP Special Counsel Contract
 - c) Ronald T. Edwards – Sidetrack Bar & Grill
 - i. Food Service Business License Renewal

- ii. Alcoholic Beverage License Renewal
 - d) Carole LaPointe, Health Administrator - Inter-Tribal Council of Michigan, Inc.
 - i. Memorandum of Cooperative Agreement - Affordable Care Act/Tribal Home Visiting Grant Program
 - ii. U.P. Tribal Breast Health Coalition and Learning Collaborative
 - e) Lori Sherman, Natural Resources Director - Environmental International, Ltd. Tier III Services Agreement
- 2. Roberto Escobar, Assistant Tribal Attorney/Jason Ayres, Real Estate Officer –
 - a) The Village of Baraga Electric Utility Distributed Generation – Avoided Cost Agreement for Customer-Generator Renewable Energy Systems (Solar, Wind, Geothermal, Biomass, or Hydro Generation)
 - b) Interconnection and Parallel Operating Agreement for Category 2 Project
- 3. Jason Collins, Forester – Resolution KB-055-2016 Forest Development Project Proposal
- 4. Larry Denomie III, CEO – Weekly Update

I. Closed Session:

- 1. Enterprise Employee Appeal of Dismissal Hearing Case #006-16 – **10:00 a.m.**
- 2. Jennifer Misegan, Vice President –
 - a) Danielle Webb, Tribal Attorney/Tribal Prosecutor - Tobacco Manufacturing
 - b) Updates
- 3. Pamela F. Queoff, M3 Insurance Senior Account Executive – Beartown Firefighters Accident – **1:00 p.m.**
- 4. Hannah Beesley, Personnel Director –
 - a) Police Department Wage Analysis
 - b) Personnel Issue
- 5. Budget Reviews – [Open to KBIC Members]

J. Adjournment: