

KEWEENAW BAY INDIAN COMMUNITY

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

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

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

MINUTES KEWEENAW BAY INDIAN COMMUNITY SPECIAL COUNCIL MEETING OJIBWA CASINO RESORT CONFERENCE ROOM THURSDAY – NOVEMBER 17, 2016 – 9:00 A.M.

APPROVED

12-19-16

- A. Date: November 17, 2016
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: 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 (left at 10:40 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr. (left at 11:10 a.m. – 1:04 p.m.)
Gary F. Loonsfoot, Sr. (left at 11:49 a.m.)
- Absent: Eddy Edwards
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 17, 2016
- Additions: FYI- 2. IRS Tribal General Welfare Guidance
6. A Memo to all Convenience Store Employees regarding the Tax Discount on Cigarette and Tobacco Purchases
- Closed Session- 3. Jim Nardi – b) BC/BS Employee Portion of Health Plan Costs

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE ADDITIONS. 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.

G. For Your Information:

1. Mary Kauppila letter to the Internal Revenue Service (IRS) regarding the “Indian General Welfare Benefits”
2. IRS Tribal General Welfare Guidance regarding the Tribal General Welfare Exclusion Act of 2014 (gross income)
3. An Invite to the Portrait Unveiling of Representative Cora Belle Reynolds Anderson on December 8, 2016 in Lansing, Michigan Member of the Michigan House of Representatives 1925-1926
4. A Flyer for the 13th Winter Traditional Powwow on January 28, 2017 at the Niiwin Akeaa Community Center
5. M3 Financial 401(k) Plan 2016 Mid-Year Review from Keith Berry, Retirement Plan Consultant
6. A Memo to all Convenience Store Employees regarding the Tax Discount on Cigarette and Tobacco Purchases to verify KBIC members from Larry Denomie III, CEO

H. Recognize Scheduled Delegation/Individuals:

Break: 9:27 – 9:32 a.m.

1. Tobacco Manufacturing Partnership PowerPoint Presentation

Gary Sanden, Travis Heron, and Odie Porter - Allegany Capital Enterprises, LLC Partnership (ACE)

ACE, LLC is a Seneca Indian owned limited liability company providing tobacco consulting and management services from its Seneca Nation Territory location within New York State. ACE, LLC is the consulting arm of Seneca Manufacturing Company, SMC. SMC is the manufacturer of Heron, Sands, Heron No. Black 33, and Crimson cigarettes.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 10:37 A.M. SUPPORTED BY TONI J. MINTON. 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.

Break: 10:38 – 10:47 a.m.

Fred Dakota left at 10:40 a.m.

Michael LaFernier, Sr. left at 11:10 a.m.

MOTION MADE BY DOREEN G. BLAKER TO GO INTO OPEN SESSION AT 11:11 A.M. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

I. Old Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Larry Denomie III, CEO – Gundlach Champion Casino Standard Form of Agreement with Design Builder (Construction Contract) Amendments to Pages and Exhibits (1 and 2)

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE AMENDMENTS TO THE GUNDLACH CHAMPION CASINO CONSTRUCTION CONTRACT TO PAGES AND EXHIBITS AS PRESENTED. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Gary F. Loonsfoot, Sr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

J. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor/Lisa M. Denomie – Nijikweg Creations (Home-based Books and Products) New Business License Application

November 11, 2016 – November 10, 2017

MOTION MADE BY JENNIFER MISEGAN TO APPROVE LISA DENOMIE’S BUSINESS LICENSE FOR NIJIKWEG CREATIONS. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja), OPPOSED - 0, ONE ABSTAINING (Gary F. Loonsfoot, Sr.), FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

2. Beth Koski, Elderly Nutrition Program Director - Resolution KB-064-2016 Elderly Nutrition Grant from April 1, 2017 to March 31, 2020 to assist in the financial support of supportive and nutritional services to its older Tribal Members and their caregivers living on or near the L’Anse Indian Reservation.

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-064-2016 ELDERLY NUTRITION GRANT. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

3. Doreen Blaker, Treasurer –

- a) 2% Worksheets –

- i. Baraga \$132,108.61 (Resolution KB-057-2016)

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-057-2016 BARAGA 2%. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

ii. Marquette \$162,572.67 (Resolution KB-058-2016)

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE RESOLUTION KB-058-2016 MARQUETTE 2% UNTIL AFTER A MEETING WITH THE CHOCOLAY TOWNSHIP BOARD. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

- b) Donation Request of \$3,400.00 for Medical Travel from Robert Funke to accompany his wife to the Mayo Clinic for her cancer treatments

MOTION MADE BY JENNIFER MISEGAN TO APPROVE \$1,500.00 TO ROBERT FUNKE FROM THE CNAP MEDICAL EMERGENCY FUNDS. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

- 4. Susan LaFernier, Secretary – Schedule Government Employee Appeal of Dismissal Hearing Case #008-16. The hearing was scheduled for November 23, 2016 at 10:00 a.m.
- 5. Larry Denomie III, CEO – Weekly Update

Larry will be meeting with Superior National Bank on Wednesday, November 23, 2016 regarding the Casino financing.

Jennifer Misegan (not on agenda) requested an exemption to provide Travis Heron (Seneca Tribal Member) a visitor's permit to hunt. (on-reservation)

MOTION MADE BY TONI J. MINTON TO GRANT AN EXEMPTION TO TRAVIS HERON FOR A VISITORS HUNTING PERMIT. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

K. Closed Session:

- 1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update

2. Bobby Escobar, Assistant Tribal Attorney – Agreement Update
3. Jim Nardi, Human Resources Director –
 - a) Fair Labor Standards Act (FLSA) Overtime Rules
 - b) BC/BS Employee Portion of Health Plan Costs
4. Francis “Hosh” LaPointe, CFO – River Valley Bank
5. Larry Denomie III, CEO - Convenience Store Management Structuring

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 11:48 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

Lunch: 12:02 – 1:04 p.m. (Robert R.D. Curtis, Jr., Gary Loonsfoot, Sr. left and Michael LaFernier, Sr. returned)

Robert R.D. Curtis, Jr. returned at 1:15 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 2:19 P.M. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

KBIC Convenience Stores Manager and Assistant Manager Job Descriptions and Management Structure (Pines, Ojibwa BP, Rez Stop, Car Wash, and Laundromat)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MANAGEMENT STRUCTURE AND JOB DESCRIPTIONS FOR THE MANAGER AND TWO ASSISTANT MANAGERS FOR THE CONVENIENCE STORES. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFernier), FOUR ABSENT (Fred Dakota, Eddy Edwards, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

Settlement Agreement and Release

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE SETTLEMENT AGREEMENT AND RELEASE AS DISCUSSED IN CLOSED AND AUTHORIZE THE CHAIR TO SIGN. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), FOUR ABSENT (Fred Dakota, Eddy Edwards, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

BC/BS Employee Portion of Health Plan Costs effective January 1, 2017

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE INCREASE IN THE EMPLOYEE BC/BS RATES AS PRESENTED. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), FOUR ABSENT (Fred Dakota, Eddy Edwards, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 2:25 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Gary F. Loonsfoot, Sr., 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 17, 2016 – 9:00 A.M.

A. Date: November 17, 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: November 17, 2016

G. For Your Information:

1. Mary Kauppila letter to the Internal Revenue Service (IRS) regarding the "Indian General Welfare Benefits"
2. An Invite to the Portrait Unveiling of Representative Cora Belle Reynolds Anderson on December 8, 2016 in Lansing, Michigan
3. A Flyer for the 13th Winter Traditional Powwow on January 28, 2017 at the Niiwin Akeaa Community Center
4. M3 Financial 401(k) Plan Mid-Year Review

H. Recognize Scheduled Delegation/Individuals:

1. Tobacco Manufacturing Partnership Presentation

I. Old Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Larry Denomie III, CEO – Gundlach Champion Casino Construction Contract Amendments to Pages and Exhibits

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2. Beth Koski, Elderly Nutrition Program Director - Resolution KB-064-2016 Elderly Nutrition Grant
3. Doreen Blaker, Treasurer –
 - a) 2% Worksheets -
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3. Jim Nardi, Human Resources Director - Fair Labor Standards Act (FLSA) Overtime Rules
4. Francis “Hosh” LaPointe, CFO – River Valley Bank
5. Larry Denomie III, CEO - Convenience Store Management Structuring

L. Adjournment: