

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
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 21, 2016 – 9:00 A.M.

APPROVED
2-4-16

- A. Date: January 21, 2016
- B. Call to Order: President Swartz called the meeting to order at 9:05 a.m.
- C. Invocation: Ojibwa Prayer by Donald Shalifoe, Sr./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 (left at 11:55 a.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (left at 2:35 p.m.)
Fred Dakota (left at 11:55 a.m.)
Eddy Edwards (arrived at 9:23 a.m., left at 11:55 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Donald Shalifoe, Sr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 21, 2016
- Addition: New Business- 6. Doreen Blaker, Treasurer – Donation Request for Flint, Michigan regarding the Water Issue

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE ADDITION. 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, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.

G. Closed Session:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Update
2. Larry Denomie III, CEO - Follow Up Reports on Former Employee Issue
3. Jennifer Misegan, Vice President –
 - a) Nondisclosure Agreement
 - b) CEO Contract
4. President Swartz – Oil Refinery
5. Anderson & Tackman – [Open to KBIC Members] Draft Financials for KBOH Department and Businesses through September 30, 2015

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 9:09 A.M. 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, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.

Eddy Edwards arrived at 9:23 a.m.

Break: 9:44 – 9:51 a.m.

Break: 10:42 – 10:47 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 11:31 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

H. For Your Information:

1. Council Poll January 15, 2016 regarding the RPh On The Go USA, Inc. Client Services Agreement for the purpose of referring and placing Healthcare Professionals. (7 For/0 Opposed/0 Abstaining)

I. Approval of Meeting Minutes:

1. January 7, 2016

MOTION MADE BY TONI J. MINTON TO APPROVE THE JANUARY 7, 2016 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. 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., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Gary F. Loonsfoot, Sr.), ABSENT - 0, MOTION CARRIED.

2. January 9, 2016

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE JANUARY 9, 2016 MEETING MINUTES. 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, TWO ABSTAINING (Eddy Edwards, Donald Shalifoe, Sr.), ABSENT - 0, MOTION CARRIED.

3. January 14, 2016

MOTION MADE BY EDDY EDWARDS TO APPROVE THE JANUARY 14, 2016 MEETING MINUTES. SUPPORTED BY DONALD SHALIFOE, SR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

J. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor –

- a) Pines Convenience Center & Smoke Shop License to Purchase and Sell Tobacco Products

January 21, 2016 – January 20, 2017

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE PINES CONVENIENCE CENTER AND SMOKE SHOP LICENSE TO PURCHASE AND SELL TOBACCO PRODUCTS. SUPPORTED BY DONALD SHALIFOE, SR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) Rez Stop License to Purchase and Sell Tobacco Products

January 21, 2016 – January 20, 2017

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE THE REZ STOP LICENSE TO PURCHASE AND SELL TOBACCO PRODUCTS. SUPPORTED BY ROBERT R.D. CURTIS, JR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- c) Ojibwa Casino I (Baraga) License to Purchase and Sell Tobacco Products
- d) Ojibwa Casino II (Marquette) License to Purchase and Sell Tobacco Products

January 21, 2016 – January 20, 2017

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE OJIBWA CASINO I IN BARAGA AND OJIBWA CASINO II IN MARQUETTE LICENSES TO PURCHASE AND SELL TOBACCO PRODUCTS. SUPPORTED BY RANDALL R. HAATAJA. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Chief Executive Officer Employment Agreement

Larry J. Denomie III January 10, 2016 - January 7, 2017

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE CHIEF EXECUTIVE OFFICER EMPLOYMENT AGREEMENT AND AUTHORIZE THE PRESIDENT TO SIGN. CO-SUPPORTED BY TONI J. MINTON 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, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Nondisclosure Agreement GTS Enterprises (to prevent the unauthorized disclosure of the parties' confidential proprietary information)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE MUTUAL NONDISCLOSURE AGREEMENT AS DISCUSSED IN CLOSED SESSION. SUPPORTED BY JENNIFER MISEGAN. TEN 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., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), ABSENT - 0, MOTION CARRIED.

2. Larry Denomie III, CEO – Weekly Update

The CEO and Attorney's Office continue to work on Services Agreements with Dorsey & Whitney Law Firm for the Ojibwa I and II Casino projects contracts with Gundlach Champion and Cuningham Group.

Keith Rolof will be doing the Seniors Tax preparations the week of February 15th or the 22nd. Keith will be located at the Planning and Development Office in Baraga and will also reserve one day at the Harvey Community Center.

Fred Dakota stated that he is not in favor of the Marquette Casino project. He would like to see a new casino put on the airport property.

Lunch: 11:55 a.m. – 1:05 p.m. (Toni Minton, Fred Dakota, Eddy Edwards left)

K. New Business:

3. Danielle Webb, Tribal Attorney/Tribal Prosecutor –

- e) Carole LaPointe, Health Administrator - Great Lakes Inter-Tribal Epidemiology Center (GLITC) BALAC Tribal Sub-Award Agreement for the purpose of increasing the physical activity of the tribal members on the reservation. \$100,000.00

September 30, 2015 – September 29, 2016

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE GREAT LAKES INTER-TRIBAL EPIDEMIOLOGY CENTER TRIBAL SUB-AWARD AGREEMENT AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY SUSAN J. LAFERNIER. 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, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

[Closed Session]

- 6. Carole LaPointe, Health Administrator/Kathy Mayo, Assistant Health Administrator/Micah Petoskey, IT Site Manager – Quarterly Report
- 7. Thomas Chosa, I.T. Director – Quarterly Report
- 8. Waba Alakayak, Youth Program Director – Quarterly Report (rescheduled)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:10 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. 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, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

Break: 2:35 – 2:39 p.m.

Robert R.D. Curtis, Jr. left at 2:35 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 3:19 P.M. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

[New Business]

- 4. President Swartz –

President Swartz read the Legislative Process.

- a) 1st Reading Proposed Ordinance 2016-01 Waste Management Ordinance (WMO)

MOTION MADE BY JENNIFER MISEGAN TO WAIVE THE 1ST READING OF PROPOSED ORDINANCE 2016-01 WASTE MANAGEMENT ORDINANCE. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

The 2nd Reading was scheduled for February 18, 2016 immediately following the council meeting.

- b) 1st Reading Proposed Ordinance 2016-02 Title Twenty Hazardous Substances Control

MOTION MADE BY GARY F. LOONSFOOT, SR. TO WAIVE THE 1ST READING OF PROPOSED ORDINANCE 2016-02 TITLE TWENTY HAZARDOUS SUBSTANCES CONTROL. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

The 2nd Reading was scheduled for February 18, 2016 immediately following the council meeting.

5. President Swartz/Gary Loonsfoot, Sr. - Michigan Fish Declaration

Initial fish declarations related to inland spring spearing of walleye will be turned in at the next Voigt Task Force meeting to be held in LCO. The final annual fish declarations are due in March and KBIC will claim all of the lakes in our Home Territory. We share three lakes in our Home Territory with Lac Vieux Desert; Perch Lake, Winslow Lake, and Lake Ste. Kathryn. The issue of walleye populations will likely be discussed. KBIC always claims 6% of the allowable catch and replenishes the lakes. KBIC will host the Voigt Task Force meeting on the first Thursday in March 2016.

6. Susan LaFernier, Secretary – Schedule Casino Employee Grievance Hearing Case #001-16

The hearing was scheduled for February 4, 2016 at 10:00 a.m.

7. Doreen Blaker, Treasurer – Donation Request for Flint, Michigan regarding the Water Issue

MOTION MADE BY DONALD SHALIFOE, SR. TO DONATE \$5,000.00 TOWARDS THE FLINT MICHIGAN WATER CRISIS. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

Break: 3:44 – 3:53 p.m.

[Closed Session]

8. Tony Rabitaille, Chairman Aanikoosing Inc./Andrew Chosa, CEO Aanikoosing Inc. – Gas Station and Economic Development Updates

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION FOR TRIBAL MEMBERS ONLY AT 3:54 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:36 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY DONALD SHALIFOE, SR. TO ADJOURN AT 4:37 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 21, 2016 – 9:00 A.M.

A. Date: January 21, 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: January 21, 2016

G. Closed Session:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Update
2. Anderson & Tackman – **10:00 a.m. [Open to KBIC Members]**
3. Larry Denomie III, CEO - Follow Up Reports on Former Employee Issue
4. President Swartz – Oil Refinery
5. Carole LaPointe, Health Administrator – Quarterly Report – **1:00 p.m.**
6. Thomas Chosa, I.T. Director – Quarterly Report – **2:00 p.m.**
7. Waba Alakayak, Youth Program Director – Quarterly Report – **2:30 p.m.**
8. Tony Rabitaille, Chairman Aanikoosing Inc./Andrew Chosa, CEO Aanikoosing Inc. - Economic Development Updates – **3:00 p.m.**
9. Jennifer Misegan, Vice President –
 - a) Non-disclosure Agreement
 - b) CEO Contract

H. For Your Information:

1. Council Poll January 15, 2016 regarding the RPh On The Go USA, Inc. Client Services Agreement for the purpose of referring and placing Healthcare Professionals. (7 For/0 Opposed/0 Abstaining)

I. Approval of Meeting Minutes:

1. January 7, 2016
2. January 9, 2016
3. January 14, 2016

J. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor –
 - a) Carole LaPointe, Health Administrator - Great Lakes Inter-Tribal Epidemiology Center (GLITC) BALAC Tribal Sub-Award Agreement
 - b) Pines Convenience Center & Smoke Shop License to Purchase and Sell Tobacco Products
 - c) Rez Stop License to Purchase and Sell Tobacco Products
 - d) Ojibwa Casino I (Baraga) License to Purchase and Sell Tobacco Products
 - e) Ojibwa Casino II (Marquette) License to Purchase and Sell Tobacco Products
2. President Swartz –
 - a) 1st Reading Proposed Ordinance 2016-01 Waste Management Ordinance (WMO)
 - b) 1st Reading Proposed Ordinance 2016-02 Title Twenty Hazardous Substances Control
3. President Swartz/Gary Loonsfoot, Sr. - Michigan Fish Declaration
4. Larry Denomie III, CEO – Weekly Update
5. Susan LaFernier, Secretary – Schedule Casino Employee Grievance Hearing Case #001-16

K. Adjournment: