

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 – FEBRUARY 18, 2016 – 9:00 A.M.**

APPROVED
3-10-16

- A. Date: February 18, 2016
- B. Call to Order: President Swartz called the meeting to order at 9:18 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 12:05 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (left 10:45 a.m. – 1:10 p.m.)
Fred Dakota (left at 11:06 a.m.)
Eddy Edwards (left at 12:05 p.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: February 18, 2016
- Addition: Old Business- 1. Jennifer Misegan, Vice President – Update on Secretarial Election

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE ADDITION. 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.

G. New Business:

1. Darren Webb, Commodity Foods Program Director – Vehicle Bids (3) for Delivery Truck

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BID FOR THE 2016 CHEVROLET SILVERADO FROM FOX NEGAUNEE IN THE AMOUNT OF \$30,008.44. 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.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Duane Misegan, Chief of Police - Resolution KB-002-2016 Department of Justice FY2016 Coordinated Tribal Assistance Solicitation (CTAS)

Up to \$600,000 for equipment and two officers for three years and the Tribe will commit to pay the wages of the two officers on the fourth year.

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-002-2016 DEPARTMENT OF JUSTICE FY2016 COORDINATED TRIBAL ASSISTANCE SOLICITATION. 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.

H. Closed Session:

1. Francis LaPointe, CFO – FY2016 Quarterly Update PowerPoint
2. Michael Schrader, Ojibwa Casinos General Manager
 - a) Monthly Update
 - b) Casinos Mission/Vision Statement
3. Danielle Webb, Tribal Attorney/Tribal Prosecutor –
 - a) Nicholas Lewis Attorney Resignation Agreement
 - b) Updates
4. Waba Alakayak, Youth Program Director – Quarterly Report
5. Jennifer Misegan, Vice President - Baraga Armory Update

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 9:34 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. AND ALLOW TRIBAL MEMBERS. 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.

Break: 10:45 – 11:01 a.m. (Robert R.D. Curtis, Jr. left)

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

[New Business]

3. Danielle Webb, Tribal Attorney/Tribal Prosecutor

- a) Carole LaPointe, Health Administrator – Gegare Tile, Inc. (Green Bay, WI) Tier III Services Agreement \$16,556.00 February 20, 2016 – April 30, 2016 – to replace the carpet on the second floor, stairs, and breakroom at the Donald LaPointe Health Clinic

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE TIER III SERVICES AGREEMENT WITH GEGARE TILE, INC. CO-SUPPORTED BY FRED DAKOTA AND DONALD SHALIFOE, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

Fred Dakota left at 11:06 a.m.

- b) Michael Schrader, Ojibwa Casinos General Manager – NRT Technologies Corporation Master Supply and Processing Services Agreement Amendment No. 1 effective November 23, 2015 for the purposes of including a renewal term in the agreement for 5 years from the date of the initial term

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE NRT TECHNOLOGIES CORPORATION MASTER SUPPLY AND PROCESSING SERVICES AGREEMENT AMENDMENT NO. 1. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Eddy Edwards, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

I. Old Business:

1. Jennifer Misegan, Vice President – Update on Secretarial Election to amend Article VI Section (1) of the Constitution. Voting will be by mail.

The Secretarial Election Board met with BIA officials Jenevieve (Jinny) Gillett, BIA Tribal Operations, and Jason Oberle, Superintendent and Election Board Chair, at the Tribal Center on February 16, 2016. The Council reviewed the Secretarial Election Schedule. Election Day will be April 19, 2016. Also there were concerns on the election budget of \$9,000.00 which is not adequate funding.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:15 A.M. AND ALLOW TRIBAL MEMBERS. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Lunch: 12:05 – 1:10 p.m. (Toni Minton and Eddy Edwards left)

Robert R.D. Curtis, Jr. returned at 1:10 p.m.

Doreen Blaker left 1:53 – 2:00 p.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 2:03 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, 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.

Nicholas Lewis Attorney Employment Resignation Agreement effective February 12, 2016
He entered into an Employment Agreement on December 10, 2015

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE EMPLOYMENT RESIGNATION AGREEMENT OF NICHOLAS LEWIS. SUPPORTED BY MICHAEL F. LAFERNIER, 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.

J. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 2:05 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, 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.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

2nd Reading Proposed Ordinance 2016-01 Waste Management Ordinance (WMO)
and
2nd Reading Proposed Ordinance 2016-02 Title Twenty Hazardous Substances Control

[See Legislative File]

President Swartz read the Legislative Process and Public Hearing Procedures.

Council Members Present: President Swartz, Jennifer Misegan, Susan LaFernier, Doreen Blaker, Robert R.D. Curtis, Jr., Randy Haataja, Mike LaFernier, Sr., Gary Loonsfoot, Sr., Donald Shalifoe, Sr.

(3 Absent: Toni Minton, Fred Dakota, and Eddy Edwards)

Also in attendance: Larry Denomie III, Danielle Webb, Lori Sherman, Dave Zasadnyj, Don Messer, Jr., and Peggy Loonsfoot.

President Swartz opened for public comments:

Lori Sherman, Director of Natural Resources, stated the Natural Resources Department held an informational meeting on February 10, 2016 at the Zeba Hall (2 people attended).

Jennifer Misegan - representing herself as a Tribal Member. Her concern is the open burning barrel concept; she feels it is too restrictive and believes we need to come to a middle-ground.

Susan LaFernier - representing herself. She had a question on page 3 O. regarding the definition of a "Person" and asked for clarification on what is "Tribal instrumentality subject to a waiver of sovereign immunity."

Danielle Webb responds it is any department or enterprise of the Tribe and also includes Tribal government.

Lori Sherman was instructed by the Council to wait until the ordinances are passed and sent to the BIA before she meets with the L'Anse Village or other locals to inform them.

President Swartz concluded the 2nd reading at 2:28 p.m.

The 3rd Reading will be scheduled at a later date.

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A. Date: February 18, 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: February 18, 2016

G. New Business:

1. Darren Webb, Commodity Foods Program Director – Vehicle Bids (3) for Delivery Truck
2. Duane Misegan, Chief of Police - Resolution KB-002-2016 Department of Justice FY2016 Coordinated Tribal Assistance Solicitation (CTAS)
3. Larry Denomie III, CEO – Weekly Update
4. Danielle Webb, Tribal Attorney/Tribal Prosecutor – **10:30 a.m.**
 - a) Carole LaPointe, Health Administrator – Gegare Tile, Inc. Tier III Services Agreement
 - b) Michael Schrader, Ojibwa Casinos General Manager – NRT Technologies Corporation Master Supply and Processing Services Agreement Amendment No. 1

H. Closed Session:

1. Francis LaPointe, CFO – Update – **9:30 a.m.**
2. Michael Schrader, Ojibwa Casinos General Manager – **10:00 a.m.**
 - a) Monthly Update

- b) Casinos Mission/Vision Statement
- 3. Danielle Webb, Tribal Attorney/Tribal Prosecutor –
 - a) Nick Lewis Attorney Resignation Agreement
 - b) Updates
- 4. Waba Alakayak, Youth Program Director – Quarterly Report – **1:00 p.m.**
- 5. Jennifer Misegan, Vice President - Baraga Armory Update

I. Adjournment:

2nd Reading Proposed Ordinance 2016-01 Waste Management Ordinance (WMO)
and
2nd Reading Proposed Ordinance 2016-02 Title Twenty Hazardous Substances Control