

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
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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 – APRIL 21, 2016 – 9:00 A.M.

APPROVED

5-4-16

- A. Date: April 21, 2016
- B. Call to Order: President Swartz called the meeting to order at 9:07 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 11:03 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
- 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: April 21, 2016
- | | | |
|------------|---------------|--|
| Additions: | Old Business- | 2. Doreen Blaker, Treasurer - Zeba Hall Policies |
| | | 3. Gary Loonsfoot, Jr., Director of Cultural Resources –
General Welfare Exclusion Act Exemptions |
| | New Business- | 4. Jennifer Misegan, Vice President - Breach of
Confidentiality/Attorney Client Privilege |
| | | 5. Susan LaFernier, Secretary – Schedule Government
Employee Appeal of Dismissal Hearing |

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY RANDALL R. HAATAJA. 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. KBIC Natural Resources Department Summary of 2015 and Proposed 2016 Department Stocking Regimen (for approval April 28, 2016) – Gene Mensch, Fisheries and Wildlife Biologist

H. Old Business:

1. Jennifer Misegan, Vice President – Proposal

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE VICE PRESIDENT AS A PART-TIME POSITION OF 20 HOURS PER WEEK AT \$32.00 AN HOUR AND, IF THE VICE PRESIDENT ACCEPTS, HER FULL-TIME POSITION WILL BE OPEN FOR HER AT THE END OF HER TERM. CO-SUPPORTED BY TONI J. MINTON AND ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Randall R. Haataja), TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

2. Doreen Blaker, Treasurer/Natalie Mleko - Zeba Community Hall Policies and Procedures and Zeba Community Hall Non-Alcoholic User Agreement
The Rental Agreement was for review. Changes were reviewed.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE ZEB COMMUNITY HALL NON-ALCOHOLIC USER AGREEMENT AND ZEB COMMUNITY HALL POLICIES AND PROCEDURES. SUPPORTED BY SUSAN J. LAFERNIER. 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.

3. Gary Loonsfoot, Jr., Director of Cultural Resources - General Welfare Exclusion Act regarding the Traditional/Cultural Teachers and Ceremonies Policy (Exemptions)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE GENERAL WELFARE EXCLUSION ACT FOR TRADITIONAL/CULTURAL TEACHERS AND CEREMONIES PENDING THE TRIBAL ATTORNEY'S APPROVAL. 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.

Break: 9:59 - 10:16 a.m.

I. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor –
 - a) Arlan Friisvall (present) – Business License Renewal Zebing Solutions LLC (Engineering and Construction) April 12, 2016 - April 11, 2017

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE BUSINESS LICENSE RENEWAL FOR ENGINEERING AND CONSTRUCTION FOR ARLAN FRIISVALL DOING BUSINESS AS ZEBING SOLUTIONS, LLC. 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, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

- b) Corey Goodbird (not present) – Business License Renewal Corey (The Fish Guy) Sea Food Sales April 13, 2016 – April 12, 2017

MOTION MADE BY TONI J. MINTON TO APPROVE THE BUSINESS LICENSE RENEWAL FOR COREY J. GOODBIRD DOING BUSINESS AS COREY (THE FISH GUY) FOR SEAFOOD SALES. 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.

- c) Mark Misegan (not present) – New Business License MJM Masonry (Masonry; Concrete (New and Repairs) April 14, 2016 – April 13, 2017

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE NEW BUSINESS LICENSE FOR MARK MISEGAN DOING BUSINESS AS MJM MASONRY. SUPPORTED BY FRED DAKOTA. 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.

2. Lori Sherman, Natural Resource Director/Katie Kruse, Environmental Specialist –
 - a) Water Program Grant/Match 5% \$16,674 for FY2017-18 for a position

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE MATCH FOR THE WATER PROGRAM GRANT. SUPPORTED BY SUSAN J. LAFERNIER. 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.

- b) (1) Bid from Environment International Ltd to develop Sediment and Surface Water Cleanup Criteria and Water Quality Standards \$46,000.00

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE BID FROM ENVIRONMENT INTERNATIONAL LTD IN THE AMOUNT OF \$46,000.00. SUPPORTED BY JENNIFER MISEGAN. 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.

3. Larry J. Denomie III, CEO – Weekly Update

The Burial Task Force held two more educational sessions on Tuesday. He met with the Choice Hotels group and they are still interested. The Tribe is waiting for a response from Governor Snyder regarding the request to reconsider placing the Negaunee Airport Property into Trust. George Decota has been working on hazardous tree removals for Tribal Members.

Vice President Misegan encourages Tribal Members to email or phone the Governor's office. A Press Release has been provided to TV-6 and the radio and interviews were held. President Swartz also requested support from officials.

4. Jennifer Misegan, Vice President – Breach of Confidentiality/Attorney Client Privilege

There have been several instances where it has been alleged that a Council member has breached confidentiality. Unfortunately, outside of the removal process, we currently lack a solution to this very serious problem. In an order to protect confidentiality and attorney client privilege, Jennifer is proposing that we implement a mechanism in which the Council can issue a fine to a Council member when it has been proven that the Council member has violated confidentiality or attorney client privilege without the consent of Council.

MOTION MADE BY JENNIFER MISEGAN IN THE EVENT THAT THE COUNCIL FINDS THAT AN INDIVIDUAL COUNCIL MEMBER HAS KNOWINGLY VIOLATED CONFIDENTIALITY AND HAS BREACHED ATTORNEY CLIENT PRIVILEGE, THE COUNCIL, BY MOTION, MAY ISSUE A FINE TO THAT COUNCIL MEMBER. THE BREACH MUST BE IN WRITING AND THE COUNCIL MUST HAVE DOCUMENTATION OF IT. THE FINE WILL BE \$250.00 FOR THE FIRST OFFENSE, \$500.00 FOR THE SECOND OFFENSE, \$750.00 FOR THE THIRD OFFENSE, AND \$1,000.00 EACH TIME AFTER THAT. CO-SUPPORTED BY SUSAN J. LAFERNIER AND MICHAEL F. LAFERNIER, SR. EIGHT 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., Gary F. Loonsfoot, Sr.), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Fred Dakota stated his opposition: He feels one person's definition of confidentiality may differ from another's.

5. Susan LaFerner, Secretary – Schedule Government Employee Appeal of Dismissal Hearing

The hearing was scheduled for April 28, 2016 at 10:00 a.m. (Case #002-16)

J. Closed Session:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Update
2. Larry J. Denomie III, CEO – Tobacco Manufacturing

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 10:53 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Fred Dakota left at 11:03 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 11:35 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 11:36 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

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- ___ 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: April 21, 2016

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 - a) Arlan Friisvall – Business License Renewal Zebing Solutions LLC (Engineering and Construction)
 - b) Corey Goodbird – Business License Renewal Corey (The Fish Guy) Sea Food Sales
 - c) Mark Misegan – New Business License MJM Masonry (Masonry; Concrete (New and Repairs))

2. Lori Sherman, Natural Resource Director/Katie Kruse, Environmental Specialist –
 - a) Water/Match
 - b) (1) Bid from Environment International Ltd to develop Sediment and Surface Water Cleanup Criteria and Water Quality Standards
3. Larry J. Denomie III, CEO – Weekly Update

J. Closed Session:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Update
2. Larry J. Denomie III, CEO – Tobacco Manufacturing

K. Adjournment: