

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 TRIBAL CENTER CONFERENCE ROOM WEDNESDAY – MAY 4, 2016 – 9:00 A.M.

APPROVED
5-19-16

- A. Date: May 4, 2016
- B. Call to Order: Vice President Misegan called the meeting to order at 9:06 a.m.
- C. Invocation: Ojibwa Prayer by Donald Shalifoe, Sr./Prayer by Jennifer Misegan, Vice President
- D. Roll Call: Present: Jennifer Misegan, Vice President (left at 10:03 a.m.)
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.
Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice President Misegan declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 4, 2016
- Addition: Closed Session- 3. Jennifer Misegan, Vice President – Marquette Casino Discussion

MOTION MADE BY TONI J. MINTON TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

G. Approval of Meeting Minutes:

1. April 7, 2016

MOTION MADE BY EDDY EDWARDS TO APPROVE THE APRIL 7, 2016 MEETING MINUTES. SUPPORTED BY DONALD SHALIFOE, SR. NINE IN FAVOR (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.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

2. April 14, 2016

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE THE APRIL 14, 2016 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (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), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

3. April 21, 2016

MOTION MADE BY TONI J. MINTON TO APPROVE THE APRIL 21, 2016 MEETING MINUTES. CO-SUPPORTED BY DOREEN G. BLAKER AND RANDALL R. HAATAJA. EIGHT IN FAVOR (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.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

H. Old Business:

1. Larry Denomie III, CEO/Gary Loonsfoot, Jr., Director of Cultural Resources – Powwow Grounds Raking

Larry presented an email written by Jerry Jondreau, Forester, stating his disapproval of raking at the powwow grounds. The Council consensus was to allow raking in the arena and vendor alley areas.

He stated it would be allowable for campers to rake their area.

I. New Business:

1. Charles Brumleve, Environmental Mining Specialist –
 - a) Proposal to Perform Water Quality Sampling on the Middle Branch Escanaba River

It is proposed to add two water sampling locations on the Middle Branch Escanaba River to the existing Tribal Cooperative Water Monitoring Program. The Humboldt Waste Water Treatment Plant is permitted to discharge 1.4 million gallons per day through three discharge outfalls located along approximately 1.6 miles of the river. The two locations for water sampling are proposed to be upstream and downstream of the Humboldt waste water discharges.

The USGS estimates the total cost of (4) sampling events at \$19,108.00 which will be paid with current funding.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PROPOSAL TO PERFORM WATER QUALITY SAMPLING ON THE MIDDLE BRANCH ESCANABA RIVER AS PROPOSED. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

b) Update on Eagle Mine Legal Files

Charles contacted the Honigman Law Firm and inquired about getting all of the files from the DEQ/Kennecott Eagle Mine case electronically transferred to the KBIC attorney's office. This will include briefs, transcripts, and witness testimony and all of the Huron Mt. Club and DEQ/Kennecott files from the contested case hearing. The only cost will be for the postage. The Council consensus was to move forward.

2. Doug Smith – Lucky 7's Restaurant Food Service and Restaurant Business License Renewal (John Gervais owner) May 14, 2016 – May 13, 2017

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE LUCKY 7'S RESTAURANT FOOD SERVICE AND BUSINESS LICENSE RENEWAL FOR JOHN GERVAIS. SUPPORTED BY DONALD SHALIFOE, SR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

3. Crystal Geroux – TD Safe Haven Horse Rescue and Therapy Business License (New) April 19, 2016 - April 18, 2017

MOTION MADE BY EDDY EDWARDS TO APPROVE THE TD SAFE HAVEN HORSE RESCUE AND THERAPY NEW BUSINESS LICENSE FOR CRYSTAL GEROUX. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

4. Jim Nardi, Human Resources Director (not present) – Change of Group Life, AD&D, STD and LTD from Cigna to Hartford Insurance Company. Proposals were sent to 8 other companies who declined to quote.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE CHANGE IN GROUP LIFE INSURANCE FROM CIGNA TO HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

5. Jennifer Misegan, Vice President – Substitute Appellate Court Justice Temporary Appointment (2) and Appellate Justice Contract with Sarah E. Henderson

MOTION MADE BY EDDY EDWARDS TO APPROVE THE APPOINTMENT OF THE SUBSTITUTE APPELLATE JUSTICES BY THE PRESIDENT FOR BOTH CASES COMING BEFORE THE APPELLATE COURT AND THE SERVICES AGREEMENT AS DISCUSSED WITH AN AMENDMENT ADDING CASE NUMBER 16-A-002. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

6. Jennifer Misegan, Vice President/Jeanne Emery, Motor Vehicle Specialist – New License Plate Design

Greg Loonsfoot is the artist whose design was selected from the License Plate Art Contest and he will receive \$150.00. The other artists who submitted a design will receive a gift card. The design will be modified to fit the plate and brought back to the Council.

J. Closed Session:

1. Government Employee Appeal of Dismissal Hearing Case #002-16
2. Francis LaPointe, CFO – 2% and 8% Payment Summaries regarding Free Play
3. Jennifer Misegan, Vice President – Marquette Casino Discussion

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:02 A.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Break: 10:03 – 10:15 a.m. (Jennifer Misegan left)

Susan LaFernier, Secretary, is chairing the meeting.

Michael LaFerner, Sr. left the room for the hearing.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 11:17 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., 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., Jennifer Misegan), MOTION CARRIED.

2% and 8% Payments

MOTION MADE BY EDDY EDWARDS TO PAY THE STATE AND LOCAL GOVERNMENTS 2% AND 8% BASED ON THE CALCULATIONS WITHOUT THE FREE PLAY FROM FY2014 TO PRESENT. SUPPORTED BY DONALD SHALIFOE, SR. NINE IN FAVOR (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., 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., Jennifer Misegan), MOTION CARRIED.

Government Employee Appeal of Dismissal Hearing Case #002-16

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO UPHOLD THE DECISION OF THE MANAGEMENT REGARDING CASE #002-16. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Gary F. Loonsfoot, Sr.), ONE OPPOSED (Donald Shalifoe, Sr.), ONE ABSTAINING (Michael F. LaFerner, Sr.), TWO ABSENT (Warren C. Swartz, Jr., Jennifer Misegan), MOTION CARRIED.

A government employee appeal of dismissal hearing was scheduled on May 19, 2016 at 1:00 p.m. (Case #003-16) which was received this morning by the Secretary.

K. Adjournment:

MOTION MADE BY TONI J. MINTON TO ADJOURN AT 11:21 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., 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., Jennifer Misegan), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

A Community Input meeting on the ICDBG Grant Halfway House Project Proposal was held after the Council meeting.

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
WEDNESDAY – MAY 4, 2016 – 9:00 A.M.

A. Date: May 4, 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: May 4, 2016

G. Approval of Meeting Minutes:

1. April 7, 2016
2. April 14, 2016
3. April 21, 2016

H. Old Business:

1. Larry Denomie III, CEO – Powwow Grounds Raking

I. New Business:

1. Charles Brumleve, Environmental Mining Specialist –
 - a) Proposal to Perform Water Quality Sampling on the Middle Branch Escanaba River
 - b) Update on Eagle Mine Legal Files
2. Doug Smith – Lucky 7's Restaurant Food Service Business License Renewal (John Gervais owner)

3. Crystal Geroux – TD Safe Haven Horse Rescue and Therapy Business License (New)
4. Jim Nardi, Human Resources Director – Change of Group Life, AD&D, STD and LTD from Cigna to Hartford Insurance Company
5. Jennifer Misegan, Vice President – Appellate Court Justice Temporary Appointment
6. Jennifer Misegan, Vice President/Jeanne Emery, Motor Vehicle Specialist – New License Plate Design
7. Larry Denomie III, CEO – Weekly Update

J. Closed Session:

1. Government Employee Appeal of Dismissal Hearing Case #002-16 – **10:00 a.m.**
2. Francis LaPointe, CFO – 2% and 8% Summaries

Lunch Break/Community Input on Halfway House Project Proposal: 12:00 – 1:00 p.m.

K. Adjournment: