

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
FRIDAY – SEPTEMBER 23, 2016 – 9:00 A.M.

APPROVED

11-5-16

- A. Date: September 23, 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
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (arrived at 9:09 a.m.)
Fred Dakota (left at 10:32 a.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Donald Shalifoe, Sr.
- Absent: Eddy Edwards
Randall R. Haataja
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 23, 2016
- | | | |
|------------|-------------------------|--|
| Additions: | FYI-
Closed Session- | 2. Final Settlement Agreement
3. Larry Denomie III, CEO – b) Casinos General Manager
Employment Agreement |
| Deletion: | New Business- | 1. Danielle Webb, Tribal Attorney/Tribal Prosecutor/Arlan Friisvall, Maintenance Director – e) Great Lakes Diving & Salvage Tier III Services Agreement for Diving Services for the Keweenaw Bay (Zeba) Water Plant Intake Inspection and Repair |

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

G. For Your Information:

1. Council Poll September 16, 2016 regarding the Services Agreement Amendment #1 with Harlan Downwind, Spiritual Advisor, for the purpose of changing the term of the agreement. (7 For) October 1, 2015 – September 30, 2016

Robert R.D. Curtis, Jr. arrived at 9:09 a.m.

2. Final Settlement Agreement from Ramah Navajo Chapter, et al. v. Jewell, United States District Court – KBIC's share of the net settlement amount is \$1,788,515.74

H. Recognize Scheduled Delegation/Individuals:

1. Irvin Smith – New Home Sanitation Facilities Issue (Liberty Drive, Baraga, MI)

Irvin applied for sanitation facilities through Indian Health Services on August 18, 2015. A soil test evaluation was done on September 8, 2016, and was denied because a required perk test was not completed and the soil was disturbed. After being denied, Irvin sought estimates and is requesting \$16,800.00 for a well and septic through Larson Well and Drilling. The Council suggested he approach I.H.S. to discuss other options he may have and they would like to consult with Public Works for more information.

I. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor –
 - a) Carole LaPointe, Health Administrator – Inter-Tribal Council of Michigan, Inc. Memorandum of Cooperative Agreement for the REACH 2016-17 Journey to Wellness Project September 30, 2016 to September 29, 2017

The Sub-Contract amount is \$75,000.00 and KBIC will submit an Annual Work Plan.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE MEMORANDUM OF COOPERATIVE AGREEMENT FOR THE REACH 2016-17 JOURNEY TO WELLNESS PROJECT WITH THE INTER-TRIBAL COUNCIL OF MICHIGAN, INC. 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, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

- b) Homeland Builders of Michigan, LLC Services Agreement Second Amendment replacing Bruce LaPointe as the authorized representative with Jason Ayres

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE SECOND AMENDMENT TO THE HOMELAND BUILDERS OF MICHIGAN, LLC SERVICES AGREEMENT. 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, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

- c) Rebecca Panasiewicz, Hope Works (not present)/Mark Panasiewicz, Hope Works Counseling Program Director – Tier III Services Agreements (2) for the Healing to Wellness Court

i. Enablement Prevention Program (EPP)

The services are to provide two-hour monthly presentations to the Community to achieve outreach and education on enablement, one and a half hour weekly classes for up to fifteen families to be held either at the Tribal Court or at the Hope Works located in L'Anse, Michigan. Home Visits will be provided once per month for a two-hour session to accommodate the disabled or homebound participants as well as for people who do not feel comfortable attending the weekly class or monthly presentation.

October 1, 2016 – September 30, 2017 for a maximum of \$12,000.00

ii. Positive Peer Culture Group Counseling Program

The services are to provide two group counseling programs (men's group and women's group) twice per week in two-hour sessions at the Tribal Court or at the office of the Contractor located in L'Anse, Michigan as agreed upon between the parties totaling eight hours per week.

October 1, 2016 – September 30, 2017 for \$15,000.00

The Council asked how clients are being notified and Mark responded that it's through word of mouth, the Newsletter, or the Court notifies them.

The Council requested Mark put an article about the presentations in the Newsletter.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE TWO TIER III SERVICES AGREEMENTS WITH REBECCA PANASIEWICZ FOR THE HEALING TO WELLNESS COURT ENABLEMENT PREVENTION PROGRAM AND POSITIVE PEER CULTURE GROUP COUNSELING PROGRAM. SUPPORTED BY DOREEN G. BLAKER. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

- d) Lauri Denomie, Independent Contractor Agreement as editor for the Community's Monthly Newsletter

The services are to provide the publication, editing, and distribution of the Newsletter for the Keweenaw Bay Indian Community.

September 23, 2016 – September 22, 2017 for a monthly compensation of \$1,600.00

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT WITH LAURI DENOMIE FOR THE MONTHLY NEWSLETTER. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT 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., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

2. Toni J. Minton, Assistant Secretary – Harvest Feast Committee Assignment

President Swartz and Peggy Loonsfoot will work on the assignment.

3. Larry Denomie III, CEO –

- a) LaCourt Bottled Gas Service Agreement for Guaranteed Price of LP Gas
November 1, 2016 to May 31, 2017 for heating and other purposes for residential and commercial properties associated with KBIC

LaCourt agrees to provide to KBIC and other Members participating under this Agreement a retail price of \$1.10 per gallon "Protection Rate" and if the wholesale price decreases, KBIC's and Members' price per gallon will also decrease proportionately.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE LACOURT BOTTLED GAS SERVICE AGREEMENT FOR THE GUARANTEED PRICE OF LP GAS. SUPPORTED BY DONALD SHALIFOE, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

- b) Weekly Update

The solar projects at the New Day Treatment Center and the Health Center are underway. Active shooter training will take place in November for the Tribal Center and other departments. Thurza Mathes resigned from Social Services.

J. Closed Session:

1. Toni J. Minton, Assistant Secretary – After School Youth Program
2. Jennifer Misegan, Vice President - Odawi Law Agreement

3. Larry Denomie III, CEO –
 - a) Global Market Advisors Addendum to Strategic Development Plan Ojibwa Casinos I & II
 - b) Casinos General Manager Employment Agreement
4. Danielle Webb, Tribal Attorney/Tribal Prosecutor - Gundlach Champion Final Casino Construction Contract

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 9:47 A.M. 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, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Break: 9:48 – 9:53 a.m.

Fred Dakota left at 10:32 a.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 11:17 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Casinos General Manager Employment Agreement - October 3, 2016 – October 2, 2017 \$120,000.00

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE OJIBWA CASINOS GENERAL MANAGER EMPLOYMENT AGREEMENT WITH DON WREN. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Gundlach Champion (Design Builder) Final Casino Construction Standard Form of Agreement for programming, designing, renovating and constructing the Baraga and Marquette Hotel and Casinos, including, but not limited to: gaming areas; a three star branded hotel; branded, casual-theme restaurants; full-service bars; and quick-serve dining amenities.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE GUNDLACH CHAMPION CASINO CONSTRUCTION STANDARD FORM OF AGREEMENT FOR THE (2) CASINO PROJECTS. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, TWO ABSTAINING (Robert R.D. Curtis, Jr., Donald Shalifoe, Sr.), THREE ABSENT (Fred Dakota, Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, SR. TO ADJOURN AT 11:21 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peggy Loonsfoot".

Peggy Loonsfoot
Administrative Specialist

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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: September 23, 2016

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 - a) Carole LaPointe, Health Administrator – Inter-Tribal Council of Michigan, Inc. Memorandum of Cooperative Agreement for the REACH 2016-17 Journey to Wellness Project
 - b) Homeland Builders of Michigan, LLC Services Agreement Second Amendment

- c) Rebecca Panasiewicz, Hope Works – Tier III Services Agreements (2) for the Healing to Wellness Court
 - i. Enablement Prevention Program (EPP)
 - ii. Positive Peer Culture Group Counseling Program
- d) Lauri Denomie, Independent Contractor Agreement for the Monthly Newsletter
- e) Arlan Friisvall, Maintenance Director – Great Lakes Diving & Salvage Tier III Services Agreement for Diving Services for the Keweenaw Bay (Zeba) Water Plant Intake Inspection and Repair
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 - b) Weekly Update

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K. Adjournment: