

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

2017 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
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, JR.
RODNEY LOONSFOOT
ELIZABETH D. MAYO

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – FEBRUARY 9, 2017 – 9:00 A.M.

APPROVED
3-4-17

- A. Date: February 9, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:04 a.m.
- C. Invocation: Lord's Prayer and prayers for the Family of Harlan Downwind
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:02 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (arrived at 9:15 a.m., left at 12:02 p.m.)
Fred Dakota (left at 10:52 a.m.)
Randall R. Haataja (arrived at 9:06 a.m., left at 4:11 p.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: February 9, 2017
- Move Old Business 1. Lori Ann Sherman, NRD Director – Clean Water Act Authority update to Closed Session 1.
- Addition: Closed Session- 6. Don Wren, Ojibwa Casinos General Manger – Organizational Structure

Randall Haataja arrived at 9:06 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

G. For Your Information:

1. A copy of KBIC Personnel Policies: 11.0 Sick Leave and 12.0 Request for Leave for review and changes
2. A copy of the "Revised" License to Purchase and Sell Tobacco Products for the Rez Stop

H. Closed Session:

1. Lori Ann Sherman, Natural Resources Director/Katie Kruse, Environmental Specialist/Stephanie Kozich, Air Quality Specialist – Clean Water Act Authority, Water Quality Standards, and Treatment as State update

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 9:09 A.M. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

Robert R.D. Curtis, Jr. arrived at 9:15 a.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 9:32 A.M. SUPPORTED BY ELIZABETH D. MAYO. ALL 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, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

I. New Business:

1. Roberto Escobar, Assistant Tribal Attorney – Jason Ayres, Real Estate Officer – U.P. Engineers & Architects, Inc. Professional Services Short Form of Agreement for the Non-Motorized Trail Phase I Project \$60,000.00 effective January 26, 2017 Sand Point to Baraga Marina

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES WITH U.P. ENGINEERS AND ARCHITECTS, INC. SUPPORTED BY DOREEN G. BLAKER. ALL 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, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Don Wren, Ojibwa Casinos General Manager/Debra Picciano, TERO Director/Hannah Beesley, Personnel Director – Presentation: Service Culture/Leadership Compensation Study/Measurement Program for the Ojibwa Casinos and Government. Council reviewed the bids and the programs. Proposed cost: \$366,270.00

The Council will consider the request at a later date.

Doreen Blaker left 9:53 – 9:58 a.m.

Break: 10:52 – 11:09 a.m. (Fred Dakota left)

[Closed Session]

2. Justin Dunleavy – Personnel Issue
3. Andrew Chosa, CEO Aanikoosing Inc. - Ojibwa Express Update and Options
4. Danielle Webb, Tribal Attorney/Tribal Prosecutor
 - a) Assistant Tribal Attorney Employment Agreement
 - b) Attorney Update
5. Warren Swartz, Jr., President – Personnel Issue
6. Don Wren, Ojibwa Casinos General Manger – Organizational Structure

MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 11:10 A.M. SUPPORTED BY DOREEN G. BLAKER. 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., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), MOTION CARRIED.

(Gary Loonsfoot, Jr. and Elizabeth Mayo are out of the room)

Lunch: 12:02 – 1:09 p.m. (Toni Minton and Robert R.D. Curtis, Jr. left)

Rodney Loonsfoot out of the room 1:42 – 2:08 p.m. (per Tribal Attorney's request)

Break: 3:14 – 3:24 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 3:53 P.M. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

[New Business]

3. Larry Denomie III, CEO –

a) Senior Taxes Proposals -

- i. H&R Block L'Anse, Michigan
- ii. H&R Block Marquette, Michigan

KBIC Senior Tribal Member Tax Return Service –

MOTION MADE BY JENNIFER MISEGAN TO APPROVE AN EXPENSE UP TO \$75.00 PER RETURN INCLUDING THE AMENDED RETURNS FOR 2014 AND 2015 FOR SENIOR TRIBAL MEMBERS OVER THE AGE OF 55 AND ALSO FOR THE MICHIGAN HOME HEATING CREDIT FOR \$26.00 AND IT WILL BE REIMBURSABLE AS LONG AS THE TRIBAL MEMBER PROVIDES PROOF OF PAYMENT AND PROOF THAT THEY WENT TO SOMEONE WHO HAS A PREPARATION TAX IDENTIFICATION NUMBER WITH THE EXCEPTION OF THE KEWEENAW BAY OJIBWA HOUSING COMMUNITY DEVELOPMENT CORPORATION AND SALLY SNYDER DUE TO THE CURRENT LITIGATION MATTER. SUPPORTED BY RANDALL R. HAATAJA. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), ONE OPPOSED (Elizabeth D. Mayo), ONE ABSTAINING (Rodney Loonsfoot), THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She believes based on the letter that was given along with the General Welfare Support Program checks stating that Tribal Members could amend their taxes that some members may have already filed with the CDC or Sally Snyder and she feels they are entitled to have their returns paid.

Jennifer Misegan stated: The Tribe has not paid the CDC for tax preparations in the past two years.

Rodney Loonsfoot stated his abstention: He is a Board Member of the CDC and as a Council Member being part of the litigation he doesn't feel it is appropriate to vote.

Randall Haataja left at 4:11 p.m.

b) Weekly Update

Cherie Dakota, OVW Team Lead for Niimigimiwang Office of Violence Against Women, has submitted her resignation and provided a 45 day notice.

Kevin Carlisle Assistant Tribal Attorney/Assistant Tribal Prosecutor Employment Agreement
April 10, 2017 – April 9, 2020

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE ASSISTANT TRIBAL ATTORNEY/ASSISTANT TRIBAL PROSECUTOR EMPLOYMENT AGREEMENT WITH KEVIN CARLISLE. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:12 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

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- Susan J. LaFernier, Secretary
- Toni J. Minton, Assistant Secretary
- Doreen G. Blaker, Treasurer
- Robert R.D. Curtis, Jr.
- Fred Dakota
- Randall R. Haataja
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2. Don Wren, Ojibwa Casinos General Manager – Service Cultural Compensation Study Measurement

3. Larry Denomie III, CEO –
 - a) Senior Taxes Proposals
 - i.) H&R Block L'Anse
 - ii.) H&R Block Marquette
 - b) Weekly Update

J. Closed Session:

1. Justin Dunleavy – Personnel Issue – **11:00 a.m.**
2. Andrew Chosa, CEO Aanikoosing Inc. - Ojibwa Express Update
3. Danielle Webb, Tribal Attorney/Tribal Prosecutor
 - a) Assistant Tribal Attorney Employment Agreement
 - b) Attorney Update
4. Warren Swartz, Jr., President – Personnel Issue

K. Adjournment: