

# KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center  
16429 Beartown Road  
Baraga, Michigan 49908  
Phone (906) 353-6623  
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## 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 – MARCH 16, 2017 – 9:00 A.M.**

APPROVED  
4-01-17

- A. Date: March 16, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:05 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 (left at 1:53 p.m.)  
Doreen G. Blaker, Treasurer  
Fred Dakota (arrived at 9:08 a.m., left at 11:04 a.m.)  
Randall R. Haataja  
Michael F. LaFernier, Sr.  
Gary F. Loonsfoot, Jr.  
Rodney Loonsfoot (left at 4:20 p.m.)  
Elizabeth D. Mayo
- Absent: Robert R.D. Curtis, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 16, 2017
- |            |                                  |   |
|------------|----------------------------------|---|
| Move:      | New Business-                    | 7. Paul Jurmu, Gundlach Champion – Casino Projects Update to Closed Session 2.  |
| Additions: | Old Business-<br>Closed Session- | 3. President Swartz – Drug Task Force Appointments<br>3. President Swartz – Chief Executive Officer Employment Agreement<br>4. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update |

Deletion:            New Business-            6. Larry Denomie III, CEO – a) Bingo Hall Renovations Budget

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.**

G. For Your Information:

**Fred Dakota arrived at 9:08 a.m.**

1. Council Poll March 13, 2017 approving a donation of \$1,000.00 for a Benefit Spaghetti Dinner to be held on March 16, 2017 to assist Dave Swartz with Emergency Medical Related Expenses for his two Daughters in Ann Arbor Hospital after a car accident. (8 For)
2. State of Michigan Medical Marihuana Facilities Licensing Act 281 PA 2016 to create a State regulatory structure that will license five types of medical marihuana license categories Government-to-Government Consultation Request [This will be brought back at a later date]
3. I.H.S. Electronic Health Record System related to the use of Electronic Prescriptions for Controlled Substances Update
4. BIA Objections (5) on the Interim Title Opinion (ITO) that must be eliminated before Trust Status Approval for the Ojibwa II Casino Parcel
5. U.S. Census Bureau 2020 Data Team Request to meet with Indian Tribes [This will be brought back at a later date]

H. Recognize Scheduled Delegation/Individuals:

1. Christine Collins, KBOCC Honoring Our Past (History), Restoring Our Future Heritage Grant Coordinator – KBIC Elder interviews will be held to gather, preserve, and protect the oral history of KBIC

The college has received the grant and is moving forward. Christine will work with Gary Loonsfoot, Jr., Cultural Resources Director, on the recordings that are in his office from previous years.

I. Old Business:

1. Jennifer Misegan, Vice President – KBIC Tobacco Company, LLC
  - a) Commercial/Business of Tribal Owned Trust Land on the L'Anse Indian Reservation Lease Amendment (KB-010-2017) approved on March 10, 2017. The lease does not have to be approved by the Secretary of Interior.

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE AMENDED COMMERCIAL LEASE FOR THE KBIC TOBACCO COMPANY, LLC. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Doreen G. Blaker, Michael F. LaFernier, Sr.), ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.**

b) Equipment – Gift cigarette machine which was purchased in 2011

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE GIFTING THE TOBACCO MANUFACTURING EQUIPMENT TO THE KBIC TOBACCO COMPANY, LLC. SUPPORTED BY RANDALL R. HAATAJA. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Doreen G. Blaker, Michael F. LaFernier, Sr.), ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.**

2. Carole LaPointe, Health Administrator (not present) - Resolution KB-015-2017 Multi-Year Funding Agreement (Compact) of self-governance with I.H.S. for the period of October 1, 2015 through September 30, 2019 and authorizes the President to sign.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-015-2017 MULTI-YEAR FUNDING AGREEMENT WITH I.H.S. CO-SUPPORTED BY DOREEN G. BLAKER AND GARY F. LOONSFOOT, JR. 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.**

3. President Swartz – Drug Task Force Appointments (9) by position

Council Rep	Susan LaFernier
Police Department	Duane Misegan, Chief of Police
Court	Carrie Paquette, Healing to Wellness Program
Substance Abuse Programs	R.D. Curtis, Counselor
Housing Department	Vicki Dompier, Housing Manager
Health Clinic	Elizabeth Mayo, Community Health Rep
Social Services	Tyler Larson, Director
Youth Program	Waba Alakayak, Director
Cultural Committee	Rodney Loonsfoot, Committee Member

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE DRUG TASK FORCE APPOINTMENTS BY POSITION AS DISCUSSED. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Jennifer Misegan, 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, ONE ABSTAINING (Susan J. LaFernier), ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.**

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –

- a) Jeanne Hirzel, Substance Abuse Programs Director/Sarah Maki, Assistant CEO – Resolution KB-014-2017 New Day Treatment Center and KBIC Outpatient Facility, Change of Status from “Federally Qualified Health Center” to “Tribal Health Center”

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-014-2017 NEW DAY TREATMENT CENTER AND KBIC OUTPATIENT FACILITY STATUS CHANGE TO “TRIBAL HEALTH CENTER.” SUPPORTED BY ELIZABETH D. MAYO. 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.**

- b) Charles Miller, SORNA Coordinator – Memorandum of Agreement between KBIC and the Federal Bureau of Investigations regarding submission of Fingerprints and Access to Criminal History Record Information for noncriminal justice purposes

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN KBIC AND THE FEDERAL BUREAU OF INVESTIGATIONS. SUPPORTED BY SUSAN J. LAFERNIER. 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.**

- c) Lori Sherman, Natural Resources Director – Luis M. Verissimo Tier III Services Agreement for Geospatial/GIS Services March 15, 2017 – March 18, 2018 \$25,000.00

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE TIER III SERVICES AGREEMENT WITH LUIS M. VERISSIMO FOR GEOSPATIAL/GIS SERVICES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. 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.**

**Break: 10:06 – 10:20 a.m.**

- 2. Lori Sherman, Natural Resources Director/Gene Mensch, Fisheries and Wildlife Biologist/Jeanne Emery, Licensing/Enrollment Specialist – 2017 Commercial Fishing License Applicants (15)

A notice will be distributed next year informing all Commercial Fishermen that no late license applications will be considered. President Swartz will discuss the sunken boat issue with the owners.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE ALL OF THE 2017 COMMERCIAL FISHING LICENSE APPLICANTS BUT MUST HAVE ANY OUTSTANDING FINES PAID AND BOAT SAFETY INSPECTIONS COMPLETED. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Susan J. LaFernier, Michael F. LaFernier, Sr.), ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.**

3. Gene Mensch, Fisheries and Wildlife Biologist – Commercial Fisheries Management Plan (Draft April 2014) to revise/update the Five Year Plan

Gene will meet with the Council for a work session and bring the updated plan back at a later date.

4. Jeanne Emery, Licensing/Enrollment Specialist – New License Plate Final Design (artwork by Greg Loonsfoot)

**MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE NEW LICENSE PLATE DESIGN. CO-SUPPORTED BY SUSAN J. LAFERNIER AND MICHAEL F. LAFERNIER, SR. 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.**

**Fred Dakota left at 11:04 a.m.**

5. Susan LaFernier, Secretary – Schedule Government Employee Appeal of Dismissal Hearing Case #002-17. The hearing was scheduled for March 23, 2017 at 1:00 p.m.
6. Larry Denomie III, CEO – Weekly Update

Larry met with President Swartz and Jeff Ratcliffe from the Keweenaw Economic Development Alliance (KEDA) to discuss developing a partnership and leasing of the industrial park property.

The Tobacco Manufacturing application process with the U.S. Department of Treasury Alcohol Tobacco Tax and Trade Bureau is close to completion and filing. The original deadline was March 10th.

K. Closed Session:

1. Bobby Escobar, Assistant Tribal Attorney/Carole LaPointe, Health Administrator –
  - a) Physician’s Employment Agreement – Samantha Haken, M.D.
  - b) Dentist’s Employment Agreement – R. Brent Johnson, DDS
2. Paul Jurmu, Gundlach Champion – Casino Projects Update (Expansion Budgets)
3. President Swartz – Chief Executive Officer Employment Agreement
4. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update

**MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 11:12 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.**

**Lunch: 12:05 – 1:07 p.m.**

**Toni Minton left at 1:53 p.m.**

**Break: 2:23 – 2:40 p.m.**

**Rodney Loonsfoot left at 4:20 p.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:26 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.**

Chief Executive Officer Employment Agreement

Larry J. Denomie III January 8, 2017 – January 7, 2018

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE CHIEF EXECUTIVE OFFICER EMPLOYMENT AGREEMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.**

L. Adjournment:

**MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 4:28 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.**

Respectfully submitted,



Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**OJIBWA CASINO RESORT CONFERENCE ROOM**  
**THURSDAY – MARCH 16, 2017 – 9:00 A.M.**

A. Date: March 16, 2017

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
- \_\_\_ Randall R. Haataja
- \_\_\_ Michael F. LaFernier, Sr.
- \_\_\_ Gary F. Loonsfoot, Jr.
- \_\_\_ Rodney Loonsfoot
- \_\_\_ Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: March 16, 2017

G. For Your Information:

1. Council Poll March 13, 2017 approving a donation for a Benefit Dinner to be held on March 16, 2017 to assist Dave Swartz with Emergency Medical Related Expenses for his two Daughters. (8 For)
2. State of Michigan Medical Marihuana Facilities Licensing Act Government-to-Government Consultation Request
3. I.H.S. Electronic Health Record System related to the use of Electronic Prescriptions for Controlled Substances Update
4. BIA Objections on the Interim Title Opinion (ITO) that must be eliminated before Trust Status Approval
5. U.S. Census Bureau 2020 Data Team Request to meet with Indian Tribes

H. Recognize Scheduled Delegation/Individuals:

1. Christine Collins, KBOCC Honoring Our History, Restoring Our Future Heritage Grant Coordinator – KBIC Elder Oral Histories – **9:00 a.m.**

I. Old Business:

1. Jennifer Misegan, Vice President – KBIC Tobacco Company, LLC
  - a) Commercial Lease Amendment (KB-010-2017)
  - b) Equipment
2. Carole LaPointe, Health Administrator - Resolution KB-015-2017 Multi-Year Funding Agreement with I.H.S. for the period of October 1, 2015 through September 30, 2019

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
  - a) Jeanne Hirzel, Substance Abuse Programs Director/Sarah Maki, Assistant CEO – Resolution KB-014-2017 New Day Treatment Center and KBIC Outpatient Facility, Change of Status from “Federally Qualified Health Center” to “Tribal Health Center”
  - b) Charles Miller, SORNA Coordinator – Memorandum of Agreement between KBIC and the Federal Bureau of Investigations regarding Fingerprints and Access to Criminal History Record Information
  - c) Lori Sherman, Natural Resources Director – Luis M. Verissimo Tier III Services Agreement for Geospatial/GIS Services
2. Lori Sherman, Natural Resources Director/Gene Mensch, Fisheries and Wildlife Biologist/Jeanne Emery, Licensing/Enrollment Specialist – 2017 Commercial Fishing License Applicants (15)
3. Gene Mensch, Fisheries and Wildlife Biologist – Commercial Fisheries Management Plan (Draft April 2014)
4. Jeanne Emery, Licensing/Enrollment Specialist – New License Plate Design
5. Susan LaFernier, Secretary – Schedule Government Employee Appeal of Dismissal Hearing Case #002-17
6. Larry Denomie III, CEO –
  - a) Bingo Hall Renovations Proposed Budget
  - b) Weekly Update
7. Paul Jurmu, Gundlach Champion – Casino Projects Update – **1:00 p.m.**

K. Closed Session:

1. Bobby Escobar, Assistant Tribal Attorney/Carole LaPointe, Health Administrator –
  - a) Physician’s Employment Agreement – Samantha Haken, M.D.
  - b) Dentist’s Employment Agreement – R. Brent Johnson, DDS

L. Adjournment: