

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 23, 2017 – 9:00 A.M.

APPROVED
4-13-17

- A. Date: March 23, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:04 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Doreen G. Blaker, Treasurer
Fred Dakota (left at 10:40 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo
- Absent: Toni J. Minton, Assistant Secretary
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 23, 2017
- Additions: FYI- 4. Rodney Loonsfoot – Veterans Memorial
Closed Session- 3. Larry Denomie III, CEO – Casino Projects Update

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE ADDITIONS. CO-SUPPORTED BY RANDALL R. HAATAJA AND ELIZABETH D. MAYO. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

G. For Your Information:

1. An Invite to the University of Michigan Spring Commencement Processional on April 29, 2017 200th Anniversary Celebration
2. The National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries Notice of Proposal/Consultation to designate Wisconsin - Lake Michigan Waters a National Marine Sanctuary 1,075 square miles which contains ship wrecks
3. Request for Nominations to fill Delegate Vacancies on the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry Tribal Advisory Committee
4. Rodney Loonsfoot – Native American Veterans Memorial (Arrow Construction Information Folder - Negaunee)

H. Recognize Scheduled Delegation/Individuals:

1. John Estes, WEC Energy Group/Travis Anderson, Director of Special Projects and Timothy J. Lubbers, Director of Business Development for SEMCO Energy – Proposed Pipeline to UMERC Baraga Plant Update [Discussion] Public meetings will be held regarding the power plant which will take approximately 18 months to build on Hamar Road
2. Jacob Misegan, Police Officer/George Decota, Director of Management – SEMCO Gas Outage in L’Anse, Michigan on December 23-24, 2016 Emergency Preparedness Reports

A driver fell asleep at the wheel and the vehicle went off the road and crashed through a fence and into a SEMCO gate station in L’Anse on U.S. 41 causing equipment damage and fire. As a result the gate station had to be turned off at the valve and service to 1,193 customers was interrupted. All meters had to be shut down. A decision was made to establish a warming center at the Baraga Area Schools gymnasium and the Tribe provided approximately 60 space heaters to community members. The SEMCO workers and volunteers were able to begin relighting customers the evening of the 23rd and by 6:00 p.m. on the 24th all but approximately 80 customers had been relit. Those remaining customers were relit over the next 48 hours. Barriers will be put around substations and an assessment is being done throughout Michigan.

Jacob and George will attend the next Safety Planning Committee meeting at the Health Clinic scheduled on March 28, 2017 to review their reports and work with the Committee.

I. Approval of Meeting Minutes:

1. March 4, 2017

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MARCH 4, 2017 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFERNIER, Doreen G. Blaker, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Randall R. Haataja), TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

2. March 9, 2017

The Council discussed Robert's Rules of Order (tabling motions, etc.) and decided the President's preference on chairing the meetings and management style will be determined at the beginning of each year.

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE MARCH 9, 2017 MEETING MINUTES WITH THE CHANGE. CO-SUPPORTED BY DOREEN G. BLAKER AND MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFERNIER, Doreen G. Blaker, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), ONE OPPOSED (Elizabeth D. Mayo), TWO ABSTAINING (Jennifer Misegan, Randall R. Haataja), TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Break: 10:40 – 11:01 a.m. (Fred Dakota left)

J. Old Business:

1. Carole LaPointe, Health Administrator – Community Health Survey Results [Review]

The surveys were completed September through October, 2016. 1200 surveys with 32 questions were sent and 19% were returned. They were sent to Tribal Members 18 years and over who utilize the clinic.

Carole stated the top five comments/preferences to be considered at the health clinic and all comments will be reviewed.

2. Jennifer Misegan, Vice President – Wage Analysis for Tribal Council Stipend

The KBIC Council stipend has been \$250.00 since 2004 and the full stipend is paid whether a Council Member attends a partial meeting or remains for the entire meeting.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TRIBAL COUNCIL MEETING STIPEND AMOUNT TO AN ADDITIONAL \$100.00 FOR COUNCIL MEMBERS WHO STAY FOR THE ENTIRE MEETING AND THOSE WHO ARE EMPLOYEES OF THE TRIBE WILL CONTINUE TO DEDUCT THEIR WAGES. SUPPORTED BY GARY F. LOONSFOOT, JR. THREE IN FAVOR (Jennifer Misegan, Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), THREE OPPOSED (Susan J. LaFERNIER, Randall R. Haataja, Michael F. LaFERNIER, Sr.), TWO ABSTAINING (Doreen G. Blaker, Rodney Loonsfoot), THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), TIE VOTE.

Break: 11:39 – 11:50 a.m.

PRESIDENT SWARTZ VOTED IN FAVOR, MOTION CARRIED.

He stated that this is not the perfect solution as members should be paid for partial hours.

K. New Business:

1. Bobby Escobar, Assistant Tribal Attorney/Don Wren, Ojibwa Casinos General Manager/Hannah Beesley, Personnel Director –
 - a) Brad Worthley International Tier III Services Agreement for the Ojibwa Casinos

A list of positions for the training will be given after lunch.

Lunch: 11:54 a.m. – 1:02 p.m.

L. Closed Session:

1. Government Employee Appeal of Dismissal Hearing Case #002-17
2. Larry Denomie III, CEO – Casino Projects Update
3. Bobby Escobar, Assistant Tribal Attorney/Carole LaPointe, Health Administrator (not present) – Dentist’s Employment Agreement – R. Brent Johnson, DDS

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:03 P.M. SUPPORTED BY RODNEY LOONSFOOT. 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.

Break: 3:38 - 3:46 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:09 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. 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]

2. Doreen Blaker, Treasurer – Donation Requests (2)

Donation Request from Amanda Bloxton-Kippola for her Medical Related Expenses at the Mayo Clinic

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MEDICAL RELATED DONATION REQUEST FROM AMANDA BLOXTON-KIPPOLA AND TO FOLLOW THE CAP GUIDELINES UP TO \$2,000.00. SUPPORTED BY RODNEY LOONSFOOT. 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.

Donation Request from Jennie Knapp for Medical Related Travel Expenses for family members to be with their sister Bonnie Knapp Kirschner who has been admitted to the Ann Arbor Hospital

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MEDICAL RELATED TRAVEL DONATION REQUEST FROM JENNIE KNAPP AND TO FOLLOW THE CAP GUIDELINES. SUPPORTED BY RODNEY LOONSFOOT. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Gary F. Loonsfoot, Jr.), MOTION CARRIED.

(Gary Loonsfoot, Jr. is out of the room)

Bobby Escobar, Assistant Tribal Attorney/Don Wren, Ojibwa Casinos General Manager/Hannah Beesley, Personnel Director –

- a) Brad Worthley International Tier III Services Agreement for the Ojibwa Casinos
- b) Brad Worthley International Tier III Services Agreement for the Tribal Government
March 27, 2017 – May 10, 2018

The training for Directors, Supervisors, and Managers is to create a service culture within the gaming enterprises (84) and the tribal government (55+).

Ojibwa Casinos steps 1 through 7 = \$76,800.00
Ojibwa Casinos steps 8 through 12 = \$42,385.00 (+ travel)
Tribal Government steps 1 through 7 = \$66,750.00
Tribal Government steps 8 through 12 = \$41,335.00

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE BRAD WORTHLEY INTERNATIONAL TIER III SERVICES AGREEMENTS FOR THE OJIBWA CASINOS AND THE TRIBAL GOVERNMENT AS PRESENTED WITH THE STIPULATION THAT ADDITIONAL EMPLOYEES WILL BE AT A COST OF \$335.00 PER PERSON. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Jennifer Misegan, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), TWO OPPOSED (Susan J. LaFernier, Gary F. Loonsfoot, Jr.), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

3. Jason Ayres, Real Estate Officer –

- a) Resolution KB-016-2017 Referenced Funding Agreement (RFA) with the B.I.A. 2017-2018 Tribal Transportation Program Agreement and Direct (Retained) Services Addendum for 2017 (A16AP00064) \$455,260.87

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-016-2017 REFERENCED FUNDING AGREEMENT WITH THE B.I.A. 2017-2018 FOR THE TRIBAL TRANSPORTATION PROGRAM AGREEMENT AND DIRECT (RETAINED) SERVICES ADDENDUM FOR 2017. SUPPORTED BY RANDALL R. HAATAJA. 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.

- b) Resolution KB-017-2017 Cancels Residential Lease No. 475-23-00044-08 and KB-1529-2007 to Michael G. Jokinen (Deceased) and Jean L. Jokinen on Johnson Road in L'Anse and grants Jade E. Chaudier a Residential Lease 2.5 acres and rescinds and abolishes KB-012-2017 which had an incorrect property description (scrivener's error) in the legal description.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-017-2017 JADE E. CHAUDIER RESIDENTIAL LEASE (ABOLISHES KB-012-2017). CO-SUPPORTED BY JENNIFER MISEGAN AND MICHAEL F. LAFERNIER, SR. 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.

- c) Committee for Alternative & Renewable Energy (CARE) – ICDBG Application Recommendation - The CARE committee proposes the installation of a solar array at the KBIC NRD Fish Hatchery and associated facilities and would include funding to upgrade and modify the existing array at the Commodity Foods and investigate, if necessary make functional, a small solar array on the roof of the Pre-Primary facility in Baraga.

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE CARE COMMITTEE TO APPLY FOR THE CURRENT ICDBG GRANT FOR 2017 AS PRESENTED. SUPPORTED BY MICHAEL F. LAFERNIER, SR. 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.

- 4. Jason Collins, Forester – B.I.A. Forestry and Forest Development Projects FY2017 Contract Award (A17AV00316) FY2017 one-time non-recurring \$70,206.36

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE ONE-TIME NON-RECURRING FORESTRY AND FOREST DEVELOPMENT PROJECTS SECTION 108 MODEL CONTRACT. CO-SUPPORTED BY JENNIFER MISEGAN AND GARY F. LOONSFOOT, JR. 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.

5. Larry Denomie III, CEO – Weekly Update

The U.S. D.O.J. Opioid Training held yesterday at the Bingo Hall for department heads and Council went very well and a community wide presentation will be considered. Larry will provide a copy of the PowerPoint presentation.

Dentist's Employment Agreement – R. Brent Johnson, DDS

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE DENTIST'S EMPLOYMENT AGREEMENT WITH R. BRENT JOHNSON, DDS AS PRESENTED PENDING HIS SIGNATURE OF THE AGREEMENT. SUPPORTED BY RANDALL R. HAATAJA. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Government Employee Appeal of Dismissal Case #002-17

MOTION MADE BY GARY F. LOONSFOOT, JR. TO OVERTURN THE TERMINATION IN CASE #002-17 WITH A ONE-YEAR PROBATIONARY PERIOD. SUPPORTED BY RODNEY LOONSFOOT. FOUR IN FAVOR (Susan J. LaFernier, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, FOUR ABSTAINING (Jennifer Misegan, Doreen G. Blaker, Randall R. Haataja, Elizabeth D. Mayo), THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Elizabeth Mayo stated her abstention: She abstained because the case involved her brother, Dale Dakota, Police Commissioner.

Doreen Blaker stated her abstention: She abstained because she also has a relative involved.

M. Adjournment:

MOTION MADE BY RODNEY LOONSFOOT TO ADJOURN AT 4:58 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. 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.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – MARCH 23, 2017 – 9:00 A.M.

A. Date: March 23, 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 23, 2017

G. For Your Information:

1. An Invite to the University of Michigan Commencement Processional on April 29, 2017
2. The National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries Notice of Proposal/Consultation to designate Wisconsin Lake Michigan Waters a National Marine Sanctuary
3. Request for Nominations to fill Delegate Vacancies on the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry Tribal Advisory Committee

H. Recognize Scheduled Delegation/Individuals:

1. John Estes, WEC Energy Group/SEMCO Energy – **9:00 a.m.**
2. Jacob Misegan, Police Officer/George Decota, Director of Fire Management – SEMCO Gas Outage Emergency Preparedness Report

I. Approval of Meeting Minutes:

1. March 4, 2017
2. March 9, 2017

J. Old Business:

1. Carole LaPointe, Health Administrator – Community Health Survey
2. Jennifer Misegan, Vice President – Wage Analysis

K. New Business:

1. Bobby Escobar, Assistant Tribal Attorney/Don Wren, Ojibwa Casinos General Manager -
 - a) Brad Worthley International Tier III Services Agreement for the Ojibwa Casinos
 - b) Brad Worthley International Tier III Services Agreement for the Tribal Government
2. Jason Ayres, Real Estate Officer –
 - a) Resolution KB-016-2017 Referenced Funding Agreement (RFA) with the B.I.A. 2017-2018 Tribal Transportation Program Agreement and Direct (Retained) Services Agreement for 2017
 - b) Resolution KB-017-2017 Jade E. Chaudier Residential Lease (abolishes KB-012-2017)
 - c) Committee for Alternative & Renewable Energy (CARE) – ICDBG Application Recommendation
3. Jason Collins, Forester - Forestry and Forest Development Projects FY2017 Contract Award
4. Doreen Blaker, Treasurer – Donation Request for Medical Related Expenses
5. Larry Denomie III, CEO – Weekly Update

L. Closed Session:

1. Bobby Escobar, Assistant Tribal Attorney/Carole LaPointe, Health Administrator – Dentist's Employment Agreement – R. Brent Johnson, DDS
2. Government Employee Appeal of Dismissal Hearing Case #002-17 – **1:00 p.m.**

M. Adjournment: