

# KEWEENAW BAY INDIAN COMMUNITY

## 2019 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President  
GARY F. LOONSFOT, JR., Vice President  
SUSAN J. LAFERNIER, Secretary  
TONI J. MINTON, Assistant Secretary  
DOREEN G. BLAKER, Treasurer

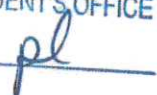
**Keweenaw Bay Tribal Center**  
**16429 Beartown Road**  
**Baraga, Michigan 49908**  
**Phone (906) 353-6623**  
**Fax (906) 353-7540**

ROBERT "R.D." CURTIS, JR.  
DALE F. GOODREAU  
RANDALL R. HAATAJA  
KIM KLOPSTEIN  
MICHAEL F. LAFERNIER, SR.  
RODNEY LOONSFOT  
ELIZABETH D. MAYO

**MINUTES**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**BIG BUCKS BINGO HALL**  
**FRIDAY – MARCH 22, 2019 – 9:00 A.M.**

**APPROVED**

APR 06 2019

KBIC PRESIDENT'S OFFICE  
SIGNATURE: 

- A. Date: March 22, 2019
- B. Call to Order: President Swartz called the meeting to order at 9:16 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Gary F. Loonsfoot, Jr., Vice President  
Susan J. LaFernier, Secretary  
Doreen G. Blaker, Treasurer  
Robert R.D. Curtis, Jr.  
Dale F. Goodreau  
Randall R. Haataja  
Kim Klopstein  
Michael F. LaFernier, Sr.  
Rodney Loonsfoot  
Elizabeth D. Mayo

Absent: Toni J. Minton, Assistant Secretary

- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 22, 2019

**MOTION MADE BY GARY F. LOONSFOT, JR. TO APPROVE THE AGENDA. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

G. Approval of Meeting Minutes:

1. February 21, 2019

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE FEBRUARY 21, 2019 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

2. February 28, 2019

**MOTION MADE BY KIM KLOPSTEIN TO APPROVE THE FEBRUARY 28, 2019 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Randall R. Haataja), ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

H. Larry Denomie III, Ojibwa Casinos General Manager/Weekly Update – available for your review

I. Old Business:

1. Toni Minton, Assistant Secretary (not present) – Meeting Stipend Clarification from the 03/23/17 motion: \$250.00 + \$100.00 if stay for the entire meeting

**MOTION MADE BY RODNEY LOONSFOOT TO CLARIFY THAT COUNCIL MEMBERS WILL RECEIVE A FULL STIPEND IF THEY'VE ATTENDED THE MAJORITY OF A MEETING SESSION. SUPPORTED BY GARY F. LOONSFOOT, JR. SIX IN FAVOR (Gary F. Loonsfoot, Jr., Doreen G. Blaker, Dale F. Goodreau, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot), THREE OPPOSED (Susan J. LaFernier, Robert R.D. Curtis, Jr., Elizabeth D. Mayo), ONE ABSTAINING (Randall R. Haataja), ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

J. New Business:

1. Kevin Carlisle, Assistant Tribal Attorney/Jennifer Misegan present - Amended and Restated Operating Agreement for the KBIC Tobacco Company, LLC/Initial Operating Agreement (Signed 02/28/17) Revised 6. Quorum

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE AMENDED AND RESTATED OPERATING AGREEMENT FOR THE KBIC TOBACCO COMPANY. SUPPORTED BY DALE F. GOODREAU. SEVEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein), ONE OPPOSED (Elizabeth D. Mayo), TWO ABSTAINING (Michael F. LaFernier, Sr., Rodney Loonsfoot), ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

**Break: 9:59 – 10:12 a.m.**

2. Paul Mooney, Assistant Tribal Attorney – Soumit Pendharkar, Health Administrator – U.P. Health System Portage Professional Services Agreement for Physical, Occupational and Speech Therapy Services 1-year term auto renewal at the KBIC Health System Center

**MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE PORTAGE HOSPITAL, LLC - U.P. HEALTH SYSTEM PORTAGE PROFESSIONAL SERVICES AGREEMENT. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), TWO OPPOSED (Dale F. Goodreau, Randall R. Haataja), ONE ABSTAINING (Robert R.D. Curtis, Jr.), ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

3. Charles Miller, SORNA Coordinator (not present)/Dale Goodreau – Resolution KB-006-2019 Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) FY2019 Funding application to support and implement the Sex Offender Registration and Notification Act (SORNA) Program for a 3-year project up to \$400,000.00

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-006-2019 SMART FY2019 FUNDING FOR SORNA. SUPPORTED BY GARY F. LOONSFOOT, JR. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Dale F. Goodreau), ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

4. Jason Ayres, Real Estate Officer –
  - a) Non-Motorized Trail Phase I Contractor Bids (6) (Village of Baraga Marina to the Sand Point Lighthouse)

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE BID FROM MJO CONTRACTING INC. IN THE AMOUNT OF \$656,634.97. CO-SUPPORTED BY DOREEN G. BLAKER, DALE F. GOODREAU, AND MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Rodney Loonsfoot), ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

- b) Commercial Sugaring Permit (Fee and Trust Land Permit) or Restricted Trust Land Permit (40 acres) to grant the Permittee the exclusive, temporary, non-possessory right to commercially harvest maple sap (ziinzibaakwadwaaboo) from sugar maple trees. The commercial harvest may include the establishment of a temporary sugar bush or camp, processing within or outside of the Permit Area, and transporting the products.

The permit is valid for one anishinaabe-ziinzibaakwad season beginning on February 1 and shall terminate on May 31 of each year. Permit Fee \$ 0.25 per tap. (suggested)



**MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE COMMERCIAL SUGARING PERMIT WITHOUT THE FEE. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

Commercial Sugaring Permit Applicants (3)

**MOTION MADE BY RODNEY LOONSFOOT TO APPROVE A COMMERCIAL SUGARING PERMIT FOR THOMAS CHOSA, JERRY JONDREAU, AND CHRIS SWARTZ. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

5. Rachel McDonald, Forester (not present) – Snowmobile/Trailer Package Bids (2)

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE BID FROM HOUGHTON POWERSPORTS LLC IN THE AMOUNT OF \$10,762.98 FOR A 2019 SKI DOO SNOWMOBILE, TRAILER, AND SLED COVER. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Elizabeth D. Mayo), MOTION CARRIED.**

(Elizabeth Mayo is out of the room)

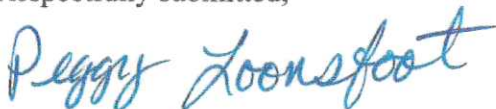
6. Sarah Smith, CEO (not present)/Weekly Update – available for your review

K. Adjournment:

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO ADJOURN AT 11:21 A.M. SUPPORTED BY GARY F. LOONSFOOT, JR. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Elizabeth D. Mayo), MOTION CARRIED.**

(Elizabeth Mayo is out of the room)

Respectfully submitted,



Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**BIG BUCKS BINGO HALL**  
**FRIDAY – MARCH 22, 2019 – 9:00 A.M.**

A. Date: March 22, 2019

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- \_\_\_ Warren C. Swartz, Jr., President
- \_\_\_ Gary F. Loonsfoot, Jr., Vice President
- \_\_\_ Susan J. LaFerner, Secretary
- \_\_\_ Toni J. Minton, Assistant Secretary
- \_\_\_ Doreen G. Blaker, Treasurer
- \_\_\_ Robert R.D. Curtis, Jr.
- \_\_\_ Dale F. Goodreau
- \_\_\_ Randall R. Haataja
- \_\_\_ Kim Klopstein
- \_\_\_ Michael F. LaFerner, Sr.
- \_\_\_ Rodney Loonsfoot
- \_\_\_ Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: March 22, 2019

G. Approval of Meeting Minutes:

1. February 21, 2019
2. February 28, 2019

H. Larry Denomie III, Ojibwa Casinos General Manager/Weekly Update

I. Old Business:

1. Toni Minton, Assistant Secretary – Stipend Clarification

J. New Business:

1. Kevin Carlisle, Assistant Tribal Attorney - Amended and Restated Operating Agreement for the KBIC Tobacco Company, LLC/Initial Operating Agreement (Signed 02/28/17)

2. Paul Mooney, Assistant Tribal Attorney – Soumit Pendharkar, Health Administrator – UP Health System Portage Professional Services Agreement for Physical, Occupational and Speech Therapy Services
3. Charles Miller, SORNA Coordinator – Resolution KB-006-2019 Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) FY2019 Funding to support the Sex Offender Registration and Notification Act (SORNA) Program
4. Jason Ayres, Real Estate Officer –
  - a) Non-Motorized Trail Phase I Contractor Bids (6)
  - b) Commercial Sugaring Permit(s)
5. Rachel McDonald, Forester – Snowmobile/Trailer Package Bids (3)
6. Sarah Smith, CEO – Weekly Update

K. Adjournment:

## Tribal Council Updates:

March 14 – March 20, 2019

- I attended an employee appeal of termination hearing held by Independent Appeals Officer, Chad DePetro, on Tuesday and the results are due within 10 days of the hearing.
- Processing of payment #26 for the casino projects is taking place. The total with this payment is just under \$23 million. The Tribe's commitment of \$30 million is winding down and we are receiving a lot of documents from Fifth Third Bank folks for the financing portion of the projects. We have a phone call this afternoon to assist in completing the documents, much of which requires our attorney's involvement. We will need to work through the final stages of the financing process as quickly as possible, to ensure the timing of the remaining investment of the Tribe's portion and access to the loan funds is as seamless as possible.
- I am in receipt of and am reviewing Change Order #5 for the Marquette project. The total is just under \$117,000 and when approved, the total contingency line item of \$700,000 will have a balance of just over \$525,000. Items included in this change order are; a credit of just under \$11,000 by Cuningham Group for electrical design revisions, a charge of just over \$10,000 for water storage tank drawing updates to allow for future installation of a cap tower so we could install and lease tower space, a charge of approximately \$9,500 for the installation of 3 well field valves to allow for shut off capability in the event repairs or maintenance are required and a charge just over \$108,000 for revised lighting drawings due to the original sub-contractor approved in the GMP going out of business and the new subs access to and installation of lighting features (the replacement sub's bid was higher).
- A tour of the construction site was held as part of the Marquette casino project meeting. Chris and Gary also made the trek down to participate in the tour. It was eye opening to see the massiveness of the space at this stage in the process. It was pretty easy to get a sense of each of the venues that will be part of the completed project. During the construction update meeting, it was noted that the schedule remains on track for a November completion with a late November to early December soft opening. Some more good news was shared regarding the budget for the new restaurant. After review by an event center consulting firm, it was determined that the budgeted FF&E in the Capital ELOC for the event center space was well over budgeted and the shortfall in the budget for the restaurant FF&E will be covered. This will allow Dave Anderson and his associate Charlie Tigerson to move forward with Cuningham on finalizing the design. The steel components of the water tower are being put together and erected as well. The base is mounted to the foundation and the stem and bulb are being built onsite. They will be erected in about 4 weeks dependent on availability of the crane that is needed. The tower will stand approximately 180 feet once it's up. The exterior wall panels will be going on and completed over the next 7-8 weeks which will essential enclose the entire facility.
- I have completed the development of the Food and Beverage Director job description. I am now working on the budget for the position and will bring that forward prior to posting.
- I attended the retirement luncheon for Cindy Isotalo who served as a bartender for the Baraga Casino for 22 years.
- I traveled to Minneapolis for an all-day meeting this past Monday with Red Circle, the company that performs marketing functions for the Tribe. I have a much better understanding of the role they play in our marketing efforts and will begin analyzing the costs associated with their work in comparison to having the work done in-house.

- Due to the inability to staff the count team in Baraga, we are moving from a daily drop of the slots to 4 times per week starting next week. The tables will still be dropped daily but counted 4 times per week as well. This change will be evaluated over the next 60 days and adjusted if necessary.
- I have had a few employees, who have become aware of the policy change that allows them to add their prior years of service within the casinos and businesses to obtain their total years of service, ask about using their years within the government. They are thankful for the change but are disappointed that the years they worked at the government can't be included. I know we discussed that at the time of the policy change, but I did tell them that I would make their concern known. I also want to be sure that I didn't misunderstand your intention when the policy was amended. Was it your intention to include only their prior years of service within the casinos and businesses? *No, include Gov't. Service years.*





**KEWEENAW BAY INDIAN COMMUNITY**  
**CEO'S OFFICE**  
16429 Beartown Road, Baraga, MI 49908  
Phone (906) 353-4104 Email: [sarah@kbic-nsn.gov](mailto:sarah@kbic-nsn.gov)

**TO: Tribal Council**  
**FROM: Sarah L. Smith, CEO**  
**RE: Monthly Report**  
**DATE: March 20, 2019**

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- MISSION STATEMENT** :To provide exceptional services for our membership; a safe, positive work environment for employees and sustained economic prosperity, while protecting our sovereignty and preserving our culture and natural resources for future generations.

**VISION STATEMENT** :A Tribe that preserves the Anishinaabe culture, advances economic diversity, provides opportunities to enhance independence, and promotes the health and well-being of our Community.
- Updates:** Attended training for the new VOIP phone system. An article for the newsletter regarding the Oshki Maaji (New Beginning) for the Halfway House project was submitted. Cell phone requests have been approved and processed. There were approximately the same number of phones. Blanket purchase order prohibits the reselling of the phones. Revised essential list was completed. Personnel records for the Enterprises have been transferred. Youth chaperone policy has been updated.
- Meetings/Conferences:** Held a department meeting on March 19, 2019. Handed out the strategic plan developed in 2017 and the Council strategic plan. Plan is to review strengths and weaknesses and identify any further weaknesses and set up action plans to move forward to address those weaknesses. There were several department short updates, including the General Welfare Exclusion Act Form, new process for Tier 1 forms, NRD and CARE discussion about 4 R's (Reduce, Reuse, Recycle, and Respect), and BIA Drug Tip line. Discussed with employees training available through KBOCC and asked for other trainings they would like. Also discussed the idea of setting a core of training that would be required to be taken: Tribal Government, Constitution, and language. I briefly attended Water Day last Friday.
- Employee Changes:** There are no direct reporting changes. The government currently has 301 employees, with 218 Native American. This list is provided as requested.
- Statistical Data/Case Load Information:** Personnel (3 grievances, 1 investigation, new position descriptions for technician positions (mirroring wildlife, forestry, and NRD), 1 termination, reclassification pending, and language permit question). I did not get to any budget approvals or modifications this week. This will remain to be completed prior to leaving for vacation today.
- Financial Update:** Indian Health Service Compact funds-amendment 1 for additional contract support funds in the amount of \$30, 468. BIA funds for a total of \$133,136 in contract support funds were received for each separate contract: CTGP- \$96,747, Forestry-\$7,012,Road Maintenance-\$6,742, Conservation Law Enforcement Officer-\$22,635.

**MISSION**

To provide exceptional services for our membership; a safe, positive work environment for employees and sustained economic prosperity, while protecting our sovereignty and preserving our culture and natural resources for future generations.

**VISION**

A Tribe that preserves the Anishinaabe culture, advances economic diversity, provides opportunities to enhance independence, and promotes the health and well-being of our Community.