

# KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center  
16429 Beartown Road  
Baraga, Michigan 49908  
Phone (906) 353-6623  
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## 2018 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  
BIG BUCKS BINGO HALL  
THURSDAY – APRIL 12, 2018 – 9:00 A.M.**

**APPROVED**

**JUN 07 2018**

**KBIC PRESIDENT'S OFFICE**

**SIGNATURE:** 

- A. Date: April 12, 2018
- B. Call to Order: President Swartz called the meeting to order at 9:11 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 2:49 p.m.)  
Jennifer Misegan, Vice President  
Susan J. LaFernier, Secretary  
Toni J. Minton, Assistant Secretary (arrived at 11:06 a.m.)  
Robert R.D. Curtis, Jr. (left 10:22 – 10:39 a.m.)  
Fred Dakota (left at 10:02 a.m.)  
Randall R. Haataja  
Michael F. LaFernier, Sr.  
Gary F. Loonsfoot, Jr.  
Rodney Loonsfoot  
Elizabeth D. Mayo

Absent: Doreen G. Blaker, Treasurer

- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: April 12, 2018

Additions: Closed Session- 5. Elizabeth Mayo – TERO Complaint Case #001-18

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE ADDITION. CO-SUPPORTED BY ROBERT R.D. CURTIS, JR. AND RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.**

G. For Your Information:

1. Great Lakes Indian Fish & Wildlife Commission announces the appointment of Michael (Mic) Isham, Jr. to Executive Administrator (April 16, 2018) and Wayne R. LaBine to Deputy Administrator (January 1, 2018)
2. A letter from the BIA Midwest Regional Office declining our FY-2017 Request for Attorney Fees and Litigation Support Funds for the Tax/Treaty Dispute and Swamp Lands
3. A letter from the BIA Midwest Regional Office regarding KBIC's Request for Secretarial Election finding their review determined the request to be incomplete (Resolution KB-009-2018 adding Article IX – Judicial Branch to the Constitution) They will need a list of eligible voters who meet the statutory requirements
4. Asemaa Wholesale and Distribution Company Financial (Profit & Loss) March 2018
5. Cigarette Purchases/Sales/Stamp Fees paid through March 2018
6. Personnel Policy Sections 5.0 – 6.7 for review of the changes
7. MSU Extension Presentation regarding a Zoning Ordinance for Wind Energy

H. Recognize Scheduled Delegation/Individuals:

1. Timothy J. Lubbers, Director of Business Development for SEMCO Energy/Chrissy Beckwith, Director of Government Affairs/William Hamilton, Project Engineer – Marquette Connector Pipeline Project Update

SEMCO's western Upper Peninsula service area is exclusively served by one pipeline, operated by Northern Natural Gas (NNG) and is at capacity and cannot meet the present energy demand of the region, let alone accommodate future growth. Their solution is to have a 42-mile pipeline linking the existing pipeline with the Great Lakes Gas Transmission system also running through the U.P. It will be crossing approximately 140 acres of land and cross some wetlands. To minimize the clearing, the American Transition Corporation (ATC) will be boring under a water crossing. The project is expected to be completed by the end of 2019. Tim Lubbers will meet with Gary Loonsfoot, Jr. to discuss the Section 106 reviews.

**Break: 10:02 - 10:10 a.m. (Fred Dakota left)**

2. Pamela F. Queoff, M3 Insurance Senior Account Executive/Ryan Pulvermacher, Business Insurance Associate - Annual Insurance Stewardship Report to evaluate the insurance program, risk management efforts, accomplishments, issues, and to establish objectives for the upcoming year for KBIC and the Ojibwa Casinos.

**Robert R.D. Curtis, Jr. left 10:22 – 10:39 a.m.**

I. Old Business:

1. Danielle Webb, Tribal Attorney – KBIC Purchase and Procurement Policy [Deleted as it was approved on 03/22/18]

1. Larry Denomie III, CEO –

- a) Travel Policy Clarification regarding meals (per diem) for Employees Attending Long-Term Classes

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE AN ADDITION TO THE TRAVEL POLICY THAT IF YOU ARE AWAY ON TRAINING FOR AN EXTENDED PERIOD OF TIME AND MEALS ARE PROVIDED YOU WILL NOT RECEIVE PER DIEM. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., 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, Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

- b) Drug Free Workplace Questions to Tribal Council (emailed prior)

Larry requested the Council consider adding the fleet mechanic, heavy equipment repairer, and the Head Start/Early Head Start employees to the list of specific positions that are subject to random testing. The Council consensus was to add the positions as discussed.

**Toni Minton arrived at 11:06 a.m.**

**Break: 11:16 - 11:28 a.m.**

MOTION MADE BY RODNEY LOONSFOOT TO HAVE THE COUNCIL FACTORED INTO THE RANDOM DRUG TESTING POLICY DUE TO THE RESPONSIBILITIES AND DUTIES AS ELECTED OFFICIALS. SUPPORTED BY ROBERT R.D. CURTIS, JR.

MOTION MADE BY TONI J. MINTON TO TABLE.

President Swartz called the motion out of order because it is contrary to Federal Law.

President Swartz stated that Rodney can bring forth a policy that addresses the moral character of Council members and it can be addressed at that time.

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –

- a) Arlan Friisvall, Maintenance Director - Evoqua Water Technologies Tier III Services Agreement for the upgrade of the Microfiltration System Control at the Zeba Pump House/TERO Compliance Plan and Agreement Term ending June 1, 2018 and shall not exceed \$54,230.00

**MOTION MADE BY TONI J. MINTON TO APPROVE THE EVOQUA WATER TECHNOLOGIES TIER III SERVICES AGREEMENT FOR THE UPGRADE OF THE MICROFILTRATION SYSTEM CONTROL AT THE ZEB A PUMP HOUSE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

- b) Lori Sherman, Natural Resources Director/Erin Johnston – White Water Associates, Inc. Tier III Services Agreement Term ending July 1, 2019 and shall not exceed \$40,000.00

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE TIER III SERVICES AGREEMENT WITH WHITE WATER ASSOCIATES, INC. TO PROVIDE BASELINE DATA COLLECTION ON EIGHT WILD RICE SITES AND A TECHNICAL REPORT. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

- c) Troy LaFernier – Troy’s Tires and Auto Repair/Road Service Business License Renewal  
April 6, 2018 – April 5, 2019

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE TROY’S TIRES AND REPAIR BUSINESS LICENSE RENEWAL WITH TROY LAFERNIER. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

- 2. Rachel McDonald, Forester/David Osmak, Agency Forester, MI BIA – Resolution KB-011-2018 Five-Year Timber Harvesting Plan 2018 - 2023

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE RESOLUTION KB-011-2018 FIVE YEAR TIMBER HARVESTING PLAN. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Randall R. Haataja), TWO ABSENT (Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

- 3. President Swartz – Resolution KB-012-2018 Opposition to the Proposed Wind Turbines Project at Summit Lake in the L’Anse Township and in our ceded territory that will have a negative impact on treaty-protected resources



**MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-012-2018 OPPOSITION TO THE PROPOSED WIND TURBINES PROJECT AT SUMMIT LAKE IN THE L'ANSE TOWNSHIP WITH THE CHANGES. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

4. Larry Denomie III, CEO – Weekly Update

The selection committee met to review the CAP Administrator and Personnel Director positions. A Tribal member is considering the CAP Administrator position and changes were made to the Personnel Director qualifications and will be re-posted for an additional week.

A meeting was held with Gundlach regarding the casino projects options and more issues will be discussed in Closed Session.

Weekly employee job reports and employment opportunity postings were handed out.

The casino is sending a form letter regarding the self-ban elimination.

K. Closed Session:

1. Danielle Webb, Tribal Attorney –
  - a) Dorsey & Whitney Law Firm Annual Updates/Skip Durocher and Mary Streitz –  
**Conference Call**
  - b) Update
2. Duane Misegan, Chief of Police/Dale Goodreau – BP Theft Update
3. Gary Loonsfoot, Jr. – Position Description Discrepancies
4. Larry Denomie III, CEO –
  - a) Soumit Pendharkar Employment Agreement for Health Administrator
  - b) Casino Projects Update – Jason Ayres present (PowerPoint Presentation – Options)
5. Elizabeth Mayo – TERO Complaint Case #001-18

**MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 12:16 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Fred Dakota, Randall R. Haataja), MOTION CARRIED.**

(Randall Haataja is out of the room)

**Lunch: 12:17 – 1:07 p.m.**

**Break: 2:02 – 2:11 p.m.**

**President Swartz left at 2:49 pm.** (Vice President Misegan is chairing)

**Break: 3:59 – 4:07 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:57 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

Remove TERO Approval on the Job Descriptions Process

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO REMOVE THE TERO APPROVAL FROM ALL FURTHER JOB DESCRIPTIONS. CO-SUPPORTED BY ROBERT R.D. CURTIS, JR. AND RODNEY LOONSFOOT. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

Robert O. Porter, Attorney, Capitol Hill Policy Group for Canal Lands Case

**MOTION MADE BY GARY F. LOONSFOOT, JR. TO HIRE ROBERT PORTER FOR THE CANAL LANDS CLAIMS CASE. SUPPORTED BY ROBERT R.D. CURTIS, JR. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), ONE OPPOSED (Elizabeth D. Mayo), ONE ABSTAINING (Rodney Loonsfoot), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

Reward Offer of \$1000 for information leading to the Arrest and Conviction of the person responsible for the theft at the Ojibwa BP Gas Station

**MOTION MADE BY RODNEY LOONSFOOT TO OFFER A \$1,000.00 REWARD FOR THE ARREST AND CONVICTION OF THE PERSON(S) RESPONSIBLE FOR THE THEFT AT THE BP GAS STATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

Soumit Pendharkar Health Administrator Employment Agreement – 3 years

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE EMPLOYMENT AGREEMENT FOR THE HEALTH ADMINISTRATOR WITH SOUMIT PENDHARKAR. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

L. Adjournment:

**MOTION MADE BY TONI J. MINTON TO ADJOURN AT 4:59 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

Respectfully submitted,

  
Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**BIG BUCKS BINGO HALL**  
**THURSDAY – APRIL 12, 2018 – 9:00 A.M.**

A. Date: April 12, 2018

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: April 12, 2018

G. For Your Information:

1. Great Lakes Indian Fish & Wildlife Commission announces the appointment of Michael (Mic) Isham, Jr. to Executive Administrator and Wayne R. LaBine to Deputy Administrator
2. A letter from the BIA Midwest Regional Office declining our FY-2017 Request for Attorney Fees and Litigation Support Funds
3. A letter from the BIA Midwest Regional Office regarding KBIC's Request for Secretarial Election finding their review determined the request to be incomplete (Resolution KB-009-2018 adding Article IX – Judicial Branch to the Constitution)
4. Asemaa Wholesale and Distribution Company Financial
5. Cigarette Purchases/Sales/Stamp Fees paid through March 2018
6. Personnel Policy Sections 5.0 – 6.7 for review
7. MSU Extension Presentation regarding a Zoning Ordinance for Wind Energy



H. Recognize Scheduled Delegation/Individuals:

1. Timothy J. Lubbers, Director of Business Development for SEMCO Energy – Pipeline Project Update in Marquette County – **9:00 a.m.**
2. Pamela F. Queoff, M3 Insurance Senior Account Executive - Annual Insurance Stewardship Report – **9:30 a.m.**

I. Old Business:

1. Danielle Webb, Tribal Attorney – KBIC Purchase and Procurement Policy
2. Larry Denomie III, CEO –
  - a) Travel Policy Clarification for Employees Attending Long-Term Classes
  - b) Drug Free Workplace Questions to Tribal Council (emailed prior)

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
  - a) Arlan Friisvall, Maintenance Director - Evoqua Water Technologies Tier III Services Agreement for the upgrade of the Microfiltration System Control at the Zeba Pump House/TERO Compliance Plan and Agreement
  - b) Lori Sherman, Natural Resources Director – White Water Associates, Inc. Tier III Services Agreement
  - c) Troy LaFernier – Troy's Tires and Repair Business License Renewal
2. Rachel McDonald, Forester – Resolution KB-011-2018 Five-Year Timber Harvesting Plan
3. President Swartz – Resolution KB-012-2018 Opposition to the Proposed Wind Turbines Project at Summit Lake in the L'Anse Township
4. Larry Denomie III, CEO – Weekly Update

K. Closed Session:

1. Danielle Webb, Tribal Attorney –
  - a) Dorsey & Whitney Law Firm Annual Updates/Skip Durocher and Mary Streitz – **Conference Call - 1:00 p.m.**
  - b) Update
2. Duane Misegan, Chief of Police – BP Update
3. Gary Loonsfoot, Jr. – Position Description Discrepancies
4. Larry Denomie III, CEO –
  - a) Soumit Pendharkar Employment Agreement for Health Administrator
  - b) Casino Projects Update

L. Adjournment: