

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 – MAY 24, 2018 – 9:00 A.M.

APPROVED

AUG 16 2018

KBIC PRESIDENT'S OFFICE

SIGNATURE: pl

- A. Date: May 24, 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
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (left 1:03 – 1:14 p.m.)
Fred Dakota (left at 10:55 a.m.)
Randall R. Haataja
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: May 24, 2018
- Deletion: H. Recognize Scheduled Delegation/Individuals- 2. Stacy Cooper, Department of Labor/Rodney Loonsfoot, Veteran Affairs Officer – "Stand Down" Project

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE DELETION. 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.

G. For Your Information:

1. Notice of Public Hearing regarding the Baraga Village Master Plan on June 12, 2018
2. Asemaa Wholesale & Distribution Company Profit & Loss YTD Comparison April 2018

H. Recognize Scheduled Delegation/Individuals:

1. Dr. Guy Meadows, Great Lakes Research Center/Dr. Roman Sidortsov (not present)/John Baeten, Archaeologist – PowerPoint Presentation “Independent Risk Analysis for the Straits Pipelines”

A team proposal to the State of Michigan led by Michigan Technological University on the Enbridge Line 5 Risk Assessment and how it will significantly impact Tribes.

Break: 9:58 – 10:10 a.m.

I. New Business:

1. Fred Dakota – Request to Pave Pinery Cemetery Road

The Council consensus was to notify Jason Ayres to add the Pinery Cemetery Road to the Tribal Transportation Improvement Plan as a priority and request a chloride treatment (for dust control) in the meantime.

2. Danielle Webb, Tribal Attorney –
 - a) Lori Sherman, Natural Resources Director – Biological Services Subcontracts with the Great Lakes Indian Fish and Wildlife Commission
 - i. To provide a person to monitor and maintain the Adult Sea Lamprey Assessment (traps) at the Silver River near Skanee, MI and the Firesteel River near Ontonagon, MI for 10 weeks – Spring 2018 \$8,000.00 April – July 2018

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BIOLOGICAL SERVICES SUBCONTRACT WITH THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION FOR THE SEA LAMPREY ASSESSMENTS AT THE SILVER RIVER AND FIRESTEEL RIVER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN 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., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Rodney Loonsfoot), MOTION CARRIED.

(Rodney Loonsfoot is out of the room)

- ii. To provide a person to monitor and maintain the Adult Sea Lamprey Assessment (traps) at the Misery River near Toivola, MI \$4,000.00 April – July 2018

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BIOLOGICAL SERVICES SUBCONTRACT WITH THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION FOR THE SEA LAMPREY ASSESSMENT TRAPS AT THE MISERY RIVER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN 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., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Rodney Loonsfoot), ABSENT - 0, MOTION CARRIED.

- b) Eliason Law Office Tier III Legal Services Agreement to provide a limited scope of legal services (contract review) May 17, 2018 – May 16, 2019

MOTION MADE BY TONI J. MINTON TO APPROVE THE TIER III LEGAL SERVICES AGREEMENT WITH ELIASON LAW OFFICE. 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.

- c) Superior National Bank Automated Clearing House (ACH) Agreements with KBIC
 - i. Government
 - ii. Ojibwa Holding Company
 - iii. Ojibwa Housing
 - iv. Casino
 - v. Senior Pension

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE ACH AGREEMENTS WITH SUPERIOR NATIONAL BANK FOR THE GOVERNMENT, OJIBWA HOLDING COMPANY, OJIBWA HOUSING, CASINO, AND SENIOR PENSION ACCOUNTS. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Jennifer Misegan, 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, ONE ABSTAINING (Susan J. LaFernier), ABSENT - 0, MOTION CARRIED.

3. Jason Ayres, Real Estate Officer – Resolution KB-021-2018 Dianne M. Waara Recreational Lease Baraga Township (Beartown Road)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE RESOLUTION KB-021-2018 DIANNE M. WAARA RECREATIONAL LEASE. SUPPORTED BY RODNEY LOONSFOOT. 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.

4. Rachel McDonald, Forester – Timber Sale Property Boundary Line Project (28 miles) Bids (4)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE BID FROM GREEN TIMBER CONSULTING FORESTERS, INC. (PELKIE, MI) IN THE AMOUNT OF \$18,480.00. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Michael LaFernier, Sr. stated his opposition: He is opposed because the bid was late.

5. Gary Loonsfoot, Jr., Director of Cultural Resources –

- a) 2018 Healing Circle Run/Walk (prayer for healing) from Baraga to Sidnaw July 14-20, 2018/Map of the KBIC to LVD (Watersmeet) Route

The Healing Circle Run connects ten Ojibwe reservations in northern Wisconsin, Michigan, and Minnesota. Keith Rolof from GLIFWC invited KBIC to participate, beginning at Sand Point in Baraga, Michigan to Sidnaw, Michigan. The KBIC Youth will also participate.

MOTION MADE BY JENNIFER MISEGAN TO PARTICIPATE IN THE 2018 HEALING CIRCLE RUN. SUPPORTED BY TONI J. MINTON. 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.

- b) SEMCO Update

Gary met with Tim Lubbers regarding the cultural resource management monitoring over the SEMCO site of 42 miles of pipeline (Gwinn to Marquette). SEMCO offered natural gas hookup to the (16) homes on Makwa Miikana and the Drive-in Baraga, MI valued at \$76,000.00 in lieu of payment. An inventory of the areas needing natural gas lines and the number of tribal members living in those areas will be collected for further consideration.

6. Larry Denomie III, CEO –

- a) Ojibwa Campground and Marina Fee Schedule for 2018

The fees will remain the same as the 2017 season. There is no camping at the Zeba dock, signs will be put up. Larry will seek bids for a trailer replacement for the Caretaker of the campgrounds and marina.

Fred Dakota left at 10:55 a.m.

- b) Random Drug Testing Procedure/Medical Review Officer (MRO) Review

The MRO cannot verify or confirm whether or not an employee has a medical marijuana card and therefore would still have a positive result.

Larry suggests the employee submit proof of their prescription after testing positive.

Gary Loonsfoot, Jr. stated the last review of positions required to participate in random drug testing was specific to the Government employees who met one of the seven criteria and he believes the same review needs to be done for the casino employees.

MOTION MADE BY GARY F. LOONSFOOT, JR. TO REMOVE RANDOM DRUG TESTING FOR THE CASINO EMPLOYEES. Motion died for lack of support.

MOTION MADE BY GARY F. LOONSFOOT, JR. TO REVIEW THE CASINO POSITIONS AND APPLY THE SAME SEVEN CRITERIA TO THE CASINO EMPLOYEES AS WE DID FOR THE GOVERNMENT EMPLOYEES REGARDING THE RANDOM DRUG TESTING. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), FIVE OPPOSED (Jennifer Misegan, Robert R.D. Curtis, Jr., Randall R. Haataja, Rodney Loonsfoot, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Fred Dakota), TIE VOTE.

PRESIDENT SWARTZ CALLED FOR A BREAK.

Break: 11:17 – 11:28 a.m.

PRESIDENT SWARTZ VOTES IN FAVOR, MOTION CARRIED.

Elizabeth Mayo stated her opposition: Marijuana is illegal under federal law; the Federal Government does not recognize medical or recreational marijuana. I will not jeopardize our federal funding.

Gary Loonsfoot, Jr. stated: The casino receives zero federal funding.

Jennifer Misegan stated her opposition: She would have gone with the case because the Council actually paid for that case, that was the intention at the time, and also the criteria that was brought forth by the attorney was specifically for the government.

Rodney Loonsfoot stated his opposition: It is illegal and we all know this.

President Swartz stated his favor: We are a Democratic Republican form of government and we need to consider the individual values and beliefs of our tribal members and take into account their individual rights.

Susan LaFernier stated: We are reviewing the casino positions and until that review is done, then decisions will be made.

Robert R.D. Curtis, Jr. stated: He concurs with Elizabeth Mayo.

Medical Review Officer question: (do not recognize medical marijuana cards) – when will it be presented?

MOTION MADE BY JENNIFER MISEGAN TO INCLUDE IN THE POLICY THAT IF YOU HAVE A MEDICAL MARIJUANA CARD YOU PRESENT IT PRIOR TO YOUR TESTING. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr.), FIVE OPPOSED (Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Fred Dakota), TIE VOTE, MOTION DEFEATED.

Elizabeth Mayo stated her opposition: Marijuana is illegal under federal law; the Federal Government does not recognize medical or recreational marijuana. I will not jeopardize our federal funding.

Robert R.D. Curtis, Jr. stated: He concurs with Elizabeth Mayo.

MOTION MADE BY RODNEY LOONSFOOT THAT ANY EMPLOYEE THAT HAS A MEDICAL MARIJUANA CARD MUST PRESENT IT IMMEDIATELY TO HUMAN RESOURCES. SUPPORTED BY ROBERT R.D. CURTIS, JR. THREE IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Rodney Loonsfoot), FIVE OPPOSED (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), TWO ABSTAINING (Randall R. Haataja, Michael F. LaFernier, Sr.), ONE ABSENT (Fred Dakota), MOTION DEFEATED.

Elizabeth Mayo stated her opposition: Marijuana is illegal under federal law; the Federal Government does not recognize medical or recreational marijuana. I will not jeopardize our federal funding.

MOTION MADE BY GARY F. LOONSFOOT, JR. THAT ONCE AN EMPLOYEE TESTS POSITIVE FOR MARIJUANA THEY MUST PROVIDE THEIR MEDICAL MARIJUANA PRESCRIPTION CARD TO HUMAN RESOURCES. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), THREE OPPOSED (Robert R.D. Curtis, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE ABSTAINING (Randall R. Haataja), ONE ABSENT (Fred Dakota), MOTION CARRIED.

Elizabeth Mayo stated her opposition: Marijuana is illegal under federal law; the Federal Government does not recognize medical or recreational marijuana. I will not jeopardize our federal funding.

Lunch: 11:57 a.m. – 1:03 p.m.

Robert R.D. Curtis, Jr. returned from lunch at 1:14 p.m.

Random Drug Testing Procedure Review

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE RANDOM DRUG TESTING PROCEDURES WITH THE CHANGES AS DISCUSSED. The motion died for lack of support.

c) Weekly Update

Handouts: Cashier Wage Research Results, Spring Clean Up Update, Employee Reports, and Employment Opportunities

The Fire Director position has been filled as Tom Chosa accepted the offer. His last day is June 7. The I.T. Director position will be posted.

The bank contacted Larry related to the casino projects and provided financing plans and payment options.

A review was held on the new layout of the expanded casino area and a new design will be needed. The final documents will be done in mid-June and Gundlach will do a presentation and GMP. The week of June 18th is the tentative date to hold the casino informational meetings.

The CEO Office received a resignation letter from Liana Loonsfoot, OVW Lead. Her last day is July 6th.

Larry met with Mike Lahti and Trish Koski to discuss "theft bans" and they would like to include all of the C-stores and businesses.

Dr. D'Agostino's office is closed and the pre-employment screenings may be moved to BCMH.

A Pharmacy Profitability analysis will be prepared for next week.

Trish Koski's last day of work will be next week and Mike Lahti has accepted the promotion of Pine's Convenience Center Manager.

J. Closed Session:

1. Larry Denomie III, CEO –
 - a) General Manager/Eagle Radio Stations Employment Agreement Amendment #1
 - b) Eagle Radio General Manager Succession Plan June 2018 – June 2022
2. Danielle Webb, Tribal Attorney - Update

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:57 P.M. SUPPORTED BY RANDALL R. HAATAJA. TEN 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., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

MOTION MADE BY GARY F. LOONSFOOT, JR. TO GO INTO OPEN SESSION AT 2:22 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN 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., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, JR. TO ADJOURN AT 2:24 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peggy Loonsfoot".

Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – MAY 24, 2018 – 9:00 A.M.

A. Date: May 24, 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: May 24, 2018

G. For Your Information:

1. Notice of Public Hearing regarding the Baraga Village Master Plan on June 12, 2018
2. Asemaa Wholesale & Distribution Company Profit & Loss YTD Comparison April 2018

H. Recognize Scheduled Delegation/Individuals:

1. Dr. Guy Meadows/Dr. Roman Sidortsov – PowerPoint Presentation on the Enbridge Line 5 Risk Assessment – **9:30 a.m.**
2. Stacy Cooper, Department of Labor/Rodney Loonsfoot, Veteran Affairs Officer – “Stand Down” Project

I. New Business:

1. Fred Dakota – Request to Pave Pinery Cemetery Road
2. Danielle Webb, Tribal Attorney –

- a) Lori Sherman, Natural Resources Director – Biological Services Subcontracts with the Great Lakes Indian Fish and Wildlife Commission
 - i. Adult Sea Lamprey Assessments (trap) at the Silver River near Skanee, MI \$8,000.00 April – July 2018
 - ii. Adult Sea Lamprey Assessments (trap) at the Misery River near Toivola, MI \$4,000.00 April – July 2018
- b) Eliason Law Office Tier III Legal Services Agreement
- c) Superior National Bank Automated Clearing House (ACH) Agreements with KBIC
 - i. Government
 - ii. Ojibwa Holding Company
 - iii. Ojibwa Housing
 - iv. Casino
 - v. Senior Pension
3. Jason Ayres, Real Estate Officer – Resolution KB-021-2018 Dianne M. Waara Recreational Lease
4. Rachel McDonald, Forester – Timber Sale Boundary Line Project Bids (4)
5. Gary Loonsfoot, Jr., Director of Cultural Resources –
 - a) Map of the KBIC to LVD Route for the 2018 Healing Circle Run
 - b) SEMCO Update
6. Larry Denomie III, CEO –
 - a) Ojibwa Campground and Marina Fee Schedule
 - b) Random Drug Testing Procedure/MRO Review
 - c) Weekly Update

J. Closed Session:

1. Larry Denomie III, CEO –
 - a) General Manager/Radio Stations Employment Agreement Amendment #1
 - b) Eagle Radio General Manager Succession Plan
2. Danielle Webb, Tribal Attorney - Update

K. Adjournment: