

KEWEENAW BAY INDIAN COMMUNITY

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

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 – NOVEMBER 15, 2018 – 9:00 A.M.

APPROVED

FEB 14 2019

KBIC PRESIDENT'S OFFICE
SIGNATURE: 

- A. Date: November 15, 2018
- B. Call to Order: President Swartz called the meeting to order at 9:12 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 12:00 p.m.)
Doreen G. Blaker, Treasurer
Fred Dakota (left at 10:55 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr. (left at 12:00 p.m.)
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot (left at 2:10 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: November 15, 2018
- Additions: New Business- 8. Susan LaFernier – Secretary's Report/October 2018
Old Business- 4. Jennifer Misegan, Vice President – Job Description
Restructuring for the CEO Office

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY RANDALL R. HAATAJA. 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.

G. Old Business:

1. Francis J. LaPointe, Jr., CFO – Casino Financing Fifth Third Bank Term Sheet (Financing options for the Baraga and Marquette Casino Projects)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE TERM SHEET FOR THE CASINO PROJECTS. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), THREE OPPOSED (Fred Dakota, Rodney Loonsfoot, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

Rodney Loonsfoot stated his opposition: The Community voted not to exceed \$40 million and we have exceeded that and the single purchases of equipment, tables, slots, chairs, etc. are going to exceed the \$500,000.00 requirement for a referendum vote.

Elizabeth Mayo requested the CFO to provide a summary sheet of the casino financing.

Break: 9:48 – 9:57 a.m.

2. Larry Denomie III, CEO – 19.0 Employee Conduct and Corrective Action Plan [Review with changes and suggestions]
3. Gary Loonsfoot, Jr. – KBIC Background Investigations Policy Amendment (return to later in the day – no copy was provided)
4. Jennifer Misegan, Vice President – Job Description Restructuring for the CEO Office [Review with changes]

Fred Dakota left at 10:55 a.m.

H. Approval of Meeting Minutes:

1. July 12, 2018

MOTION MADE BY TONI J. MINTON TO APPROVE THE JULY 12, 2018 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Rodney Loonsfoot), TWO ABSENT (Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

2. July 14, 2018

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE JULY 14, 2018 MEETING MINUTES. 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, TWO ABSTAINING (Toni J. Minton, Rodney Loonsfoot), TWO ABSENT (Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

3. July 19, 2018

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE JULY 19, 2018 MEETING MINUTES. 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, TWO ABSTAINING (Toni J. Minton, Rodney Loonsfoot), TWO ABSENT (Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

4. July 25, 2018

MOTION MADE BY TONI J. MINTON TO APPROVE THE JULY 25, 2018 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Gary F. Loonsfoot, Jr., Rodney Loonsfoot), TWO ABSENT (Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

I. New Business:

1. Jason Ayres, Real Estate Officer – U.P. Engineers & Architects, Inc. Amendment No. 2
Owner-Engineer Agreement for Professional Services for the Non-Motorized Trail Phase I

MOTION MADE BY TONI J. MINTON TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH UPEA AMENDMENT NO. 2 EXTENDING THE DEADLINE TO DECEMBER 31, 2019. SUPPORTED BY GARY F. LOONSFOOT, JR. 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.

2. Arlan Friisvall, Maintenance Director – Single Source Bid from HACH Company for the Zeba Water Turbidity Meters (3) in the amount of \$10,258.34 – (I.H.S. Project BE-16-J79)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE EXPENDITURE FOR HACH TO REPLACE THE ZEB A WATER TURBIDITY METERS. SUPPORTED BY SUSAN J. LAFERNIER. 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.

3. Evelyn Ravindran, Natural Resources Director/Lyndon Ekdahl, NRD Systems Facility Coordinator – Bids (3) for the Fish Hatchery Live Haul Transport Tanks

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE BID FROM MFSE, INC. FOR THE LIVE HAUL TRANSPORT TANKS IN THE AMOUNT OF \$29,956.00. CO-SUPPORTED BY JENNIFER MISEGAN AND RANDALL R. HAATAJA. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE OPPOSED (Gary F. Loonsfoot, Jr.), ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr. Fred Dakota), MOTION CARRIED.

Gary Loonsfoot, Jr. stated his opposition: He would like to see local bids considered as well and stated Selkey's Manufacturing has tribal members working for them.

4. Kevin Carlisle, Assistant Tribal Attorney/Soumit Pendharkar, Health Director – Michigan Public Health Institute Center for Healthy Communities Agreements
 - a) Tribal Opioid Response Evaluation Project Agreement \$15,835.00 September 30, 2018 – September 29, 2019
 - b) Business Associate Agreement

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE AGREEMENT WITH THE MICHIGAN PUBLIC HEALTH INSTITUTE FOR THE OPIOID RESPONSE EVALUATION PROJECT AND THE BUSINESS ASSOCIATE AGREEMENT. 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.

5. Doreen Blaker, Treasurer – 2% Worksheets [Review]
 - a) Baraga \$131,871.99 (Resolution KB-041-2018)
 - b) Marquette \$164,460.06 (Resolution KB-042-2018)
6. Rachel McDonald, Forester –
 - a) Resolution KB-035-2018 Forestry, Forestry Projects, and Tribal Climate Resilience Programs

MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE RESOLUTION KB-035-2018 FORESTRY PROGRAM. 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.

- b) Department of Interior BIA Timber Cutting Permit to Matthew DesRochers (Baraga) to allow cutting and sale of a basswood tree valued at \$59.21

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE DEPARTMENT OF THE INTERIOR BIA TIMBER CUTTING PERMIT. CO-SUPPORTED BY GARY F. LOONSFOOT, JR. AND RODNEY LOONSFOOT. 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.

- c) Resolution KB-040-2018 KBIC Chainsaw Safety Course Training Proposal \$8,500.00

MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-040-2018 KBIC CHAINSAW SAFETY TRAINING. SUPPORTED BY RODNEY LOONSFOOT. 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.

- d) Draft Forest Stewardship Plan 2018-2028 [Review]

The Council would like to wait until after the 30 day public comment period before approval of the plan.

Lunch: 12:00 – 1:07 p.m. (Toni Minton and Michael LaFernier, Sr. left)

7. Larry Denomie III, CEO –

- a) Drug Testing for Non-employees Working with Youth (Chaperones and un-licensed foster homes) [see list] discussion

It was suggested to meet with the Youth and Social Services Directors and ask for a recommendation from the ICWA Committee.

- b) Weekly Update

The recent hire of the Facilities Manager position was denied by TERO. More information needs to be provided by Human Resources.

8. Susan LaFernier – Secretary’s Report/October 2018 – available for your review

MOTION MADE BY JENNIFER MISEGAN TO APPROVE TO APPROVE THE OCTOBER 2018 SECRETARY’S REPORT. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

[Old Business]

3. Gary Loonsfoot, Jr. – KBIC Background Investigations Policy Amendment to add: Page 5 -
“and any domestic/family violence charge involving weapons” – Discussion

MOTION MADE BY RODNEY LOONSFOOT TO TABLE FOR MORE INFORMATION FROM THE ICWA COMMITTEE, TRIBAL SOCIAL SERVICES, AND THE ATTORNEY. SUPPORTED BY ELIZABETH D. MAYO. FOUR IN FAVOR (Susan J. LaFerner, Doreen G. Blaker, Rodney Loonsfoot, Elizabeth D. Mayo), THREE OPPOSED (Jennifer Misegan, Randall R. Haataja, Gary F. Loonsfoot, Jr.), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr.), MOTION CARRIED.

J. Closed Session:

1. President Swartz – Personnel Issue (GM Negotiations)

MOTION MADE BY RANDALL R. HAATAJA TO GO INTO CLOSED SESSION AT 1:54 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr.), MOTION CARRIED.

Rodney Loonsfoot left at 2:10 p.m.

MOTION MADE BY DOREEN G. BLAKER TO GO INTO OPEN SESSION AT 2:30 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Randall R. Haataja, Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Rodney Loonsfoot), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 2:31 P.M. SUPPORTED BY ELIZABETH D. MAYO. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Randall R. Haataja, Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Rodney Loonsfoot), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – NOVEMBER 15, 2018 – 9:00 A.M.

A. Date: November 15, 2018

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Jennifer Misegan, Vice President
- ___ Susan J. LaFerner, Secretary
- ___ Toni J. Minton, Assistant Secretary
- ___ Doreen G. Blaker, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Randall R. Haataja
- ___ Michael F. LaFerner, Sr.
- ___ Gary F. Loonsfoot, Jr.
- ___ Rodney Loonsfoot
- ___ Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: November 15, 2018

G. Old Business:

1. Francis J. LaPointe, Jr., CFO – Casino Financing
2. Larry Denomie III, CEO – 19.0 Employee Conduct and Corrective Action Plan
3. Gary Loonsfoot, Jr. – KBIC Background Investigations Policy Amendment

H. Approval of Meeting Minutes:

1. July 12, 2018
2. July 14, 2018
3. July 19, 2018
4. July 25, 2018

I. New Business:

1. Kevin Carlisle, Assistant Tribal Attorney/Soumit Pendharkar, Health Director – Michigan Public Health Institute Center for Healthy Communities Agreements

- a) Tribal Opioid Response Evaluation Project Agreement
- b) Business Associate Agreement
2. Jason Ayres, Real Estate Officer - UPEA Amendment No. 2 to Professional Services Agreement for the Non-Motorized Trail Phase I
3. Arlan Friisvall, Maintenance Director – Single Source Bid from HACH for the installation of Zeba Water Turbidity Meters (3)
4. Evelyn Ravindran, Natural Resources Director/Lyndon Ekdahl, NRD Systems Facility Coordinator – Bids (3) for the Fish Hatchery Live Haul Transport Tanks
5. Rachel McDonald, Forester –
 - a) Resolution KB-035-2018 Forestry Program
 - b) Department of Interior BIA Timber Cutting Permit
 - c) Resolution KB-040-2018 KBIC Chainsaw Safety Training
 - d) Forest Stewardship Plan
6. Doreen Blaker, Treasurer – 2% Worksheets
 - a) Baraga \$131,871.99 (Resolution KB-041-2018)
 - b) Marquette \$164,460.06 (Resolution KB-042-2018)
7. Larry Denomie III, CEO –
 - a) Drug Testing for Non-employees Working with Youth
 - b) Weekly Update

J. Closed Session:

1. President Swartz – Personnel Issue

K. Adjournment:

KEWEENAW BAY INDIAN COMMUNITY
TRIBAL COUNCIL

October 2018 Report from the Secretary to the Council/Community

*ANIN! We honor the greatness in you
Remember: "Indian Country Counts"
"Our People, Our Nations, Our Future"*

We continue to recognize the richness of Native American contributions, accomplishments, and sacrifices to the political, cultural, and economic life of Michigan and the United States

The Fall colors were beautiful and Winter is upon us once again. Give thanks for a wonderful Thanksgiving and we wish everyone a Blessed, Happy Christmas!

*Mino-Bimaadizin "Live Well"
Respectfully, Susan J. LaFernier*

I am including the motions that were not in the prior reports: August 21, 23, and 30, 2018. During September, the Tribal Council held the Regular Council Meeting on Saturday, September 8, and (5) Special and Finance meetings on September 17, 24, 25, 26, 27, 2018. This report will be published in the KBIC "Wiikwedong Dazhi-Ojibwa" newsletter and the Keweenaw Bay Indian Community Website.

I attended the KBIC Halfway House Ground Breaking Ceremony on September 6, 2018. Thanks to everyone for their work on this very much needed facility. It has been a busy September as I have been helping with the re-opening of the Marquette Ojibwa Express Convenience Gas Station. The station closed on August 15th and reopened on September 13th. Many of the applications and licenses needed to be changed with the new Aanikoosing, Inc. Board members. It is beautiful inside and I encourage everyone to stop, get gas, and visit.

On October 2, 2018, the annual United Methodist Women's meeting was hosted by our historic Zeba United Methodist Church at the Zeba Community Center. Over 100 women from across the Upper Peninsula attended and were impressed with the Hall. As hosts, we received many donations of diapers, infants clothing, and hats and mittens which were donated to our foster families and our Tribal Social Services Department.

Thank you to everyone for the wonderful Flag Raising Ceremony and Veterans Day Luncheon held on Sunday, November 11, 2018 at the Bingo Hall. Over 30 veterans and friends attended and \$287.00 was raised for the "Toys for Tots" program.

Remember to vote in the upcoming General Election on December 15, 2018. "Your VOTE is an important decision and makes a difference"

August 21, 2018 Special Council Meeting (unapproved):

- The Council met with the Marquette Ojibwa Express Convenience Store Manager Theresa Freeman regarding the re-opening and a "Plan to Proceed" for the station in closed session for four hours.

August 23, 2018 Special Council Meeting (unapproved):

- Approved to offer the Newsletter Editor to Laurie Denomie at the same rate for three years. If she does not accept, bids will be requested
- Motion to approve the Grand River Community Development bid of \$817,110.00 for the KBIC Halfway House project (they are also the consultants) There were 5 bids
- Approved to table the motion for more discussion on the financials
- Approved the motion for the KBIC Halfway House bid

August 30, 2018 Special Council Meeting (unapproved):

- Approved a request from the Public Works Department to bid up to \$60,000.00 plus the 13% auction fee for the purchase of a used plow truck at Wayland, MI by the BIA Roads Maintenance Program
- Approved the Memorandum of Agreement with I.H.S. for the Zeba Water Storage (Tank) Replacement project
- Approved a business license renewal with Gerald Jondreau "Traditional Treasures" local and traditional foods
- Approved the U.S.G.S. Joint Funding Agreement for the continued operation and maintenance of the streamgaging station on the Silver River near L'Anse, Michigan October 1, 2018-September 30, 2019
- Approved a donation of \$300.00 to Cecelia Chosa for ceremonial travel (exceeded the allowed amount)

- Approved the Legal Services Agreement with Montana & Associates, LLC to work with the THPO Office and Tribal Attorney's Office on drafting and finalizing a Resolution, Ordinances, and Policies and Procedures by June 21, 2020 relating to the settlement of negotiations of a natural gas pipeline to be located on the Community's ceded areas.