

# KEWEENAW BAY INDIAN COMMUNITY

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

## 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 – AUGUST 10, 2017 – 9:00 A.M.**

**APPROVED**

SEP 07 2017

KBIC PRESIDENT'S OFFICE

SIGNATURE: 

- A. Date: August 10, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:01 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Susan J. LaFernier, Secretary  
Toni J. Minton, Assistant Secretary  
Doreen G. Blaker, Treasurer  
Robert R.D. Curtis, Jr. (left 10:20 – 11:19 a.m.)  
Fred Dakota (left at 10:46 a.m.)  
Randall R. Haataja (arrived at 9:05 a.m.)  
Michael F. LaFernier, Sr.  
Rodney Loonsfoot (left 10:59 – 11:19 a.m.)  
Elizabeth D. Mayo
- Absent: Jennifer Misegan, Vice President  
Gary F. Loonsfoot, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 10, 2017

- Move New Business 6. Larry Denomie III, CEO – a) Marquette Casino Project to Closed Session 2.  
b) (Open to KBIC Members)

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE AGENDA WITH THE CHANGE. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Randall R. Haataja, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

G. For Your Information:

1. 2017 Primary (November 4, 2017) and General Election (December 16, 2017) Timelines

H. Approval of Meeting Minutes:

**Randall Haataja arrived at 9:05 a.m.**

1. July 13, 2017

**MOTION MADE BY TONI J. MINTON TO APPROVE THE JULY 13, 2017 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFerner, Sr., Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Robert R.D. Curtis, Jr., Rodney Loonsfoot), TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

2. July 20, 2017

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE JULY 20, 2017 MEETING MINUTES. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFerner, Sr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), MOTION CARRIED.**

(Elizabeth Mayo is out of the room)

3. July 27, 2017

**MOTION MADE BY RANDALL R. HAATAJA TO APPROVE THE JULY 27, 2017 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

I. Old Business:

1. Doreen Blaker, Housing Director – KBIC Housing Department Conflict of Interest Policy and Public Disclosure Notice

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE HOUSING DEPARTMENT CONFLICT OF INTEREST POLICY AS PRESENTED. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney/Arlan Friisvall, Maintenance Director –

- a) I.H.S. Project BE-15-J59 Amendment #2 to the Memorandum of Agreement for the Zeba Infiltration and Inflow Study and Sewer Improvements \$383,000.00

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE AMENDMENT #2 TO THE MEMORANDUM OF AGREEMENT FOR I.H.S. PROJECT BE-15-J59. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

- b) I.H.S. Project BE-16-J79 Amendment #1 to the Memorandum of Agreement for the Control Zeba Pumphouse Improvements System \$124,000.00

**MOTION MADE BY TONI J. MINTON TO APPROVE AMENDMENT #1 TO THE MEMORANDUM OF AGREEMENT FOR I.H.S. PROJECT BE-16-J79. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

2. David Osmak, BIA Michigan Agency Forester - Petawwegezhick Hardwood (Baraga, MI) Timber Stand Improvement (TSI) Selections

A list of (24) names was presented to the Council and (13) applicants were determined to be non-employed and met the eligibility requirements.

**Break: 9:33 – 9:45 a.m.**

The Council consensus was to draw names for the (10) available units with (3) alternates.

3. Jason Ayres, Real Estate Officer –

- a) Resolution KB-043-2017 USDA Proposed Lease Revisions (Request for Lease Proposals for the purpose of continuing to lease office space at 16403 Ojibwa Industrial Park Road in Baraga, Michigan for a ten year term)

**MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-043-2017 USDA PROPOSED LEASE REVISIONS. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

- b) Resolution KB-044-2017 Alger Delta Cooperative Electric Association “Right of Way Utility Easement” – Chocolay Township Properties for the purpose of providing electricity to the future expanded enterprise facilities and waives compensation for the easement to provide an electric transmission or distribution line or system but does not waive compensation for damages caused to its lands caused by Alger Delta Cooperative Association.

**MOTION MADE BY RANDALL R. HAATAJA TO APPROVE RESOLUTION KB-044-2017 ALGER DELTA COOPERATIVE ELECTRIC ASSOCIATION UTILITY EASEMENT ON THE CHOCOLAY TOWNSHIP PROPERTIES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

4. Lori Sherman, Natural Resources Director –

- a) Justin Woodruff, Environmental Response Program Specialist – Environmental Management Database Project Bids (3) – A system to improve the way in which the NRD collects and stores data for their nine programs with spatial and tabular viewers.

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE BID FROM WINDSOR SOLUTIONS IN THE AMOUNT OF \$47,252.00. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

- b) Eagle Rock Access Route

Lori requested permission to have the NRD Summer Youth put in a fire pit and clear a walking trail at the access site with expenses to be paid by the Lundin Mining Company. Jeff Loman stated the Mining Company is attempting to make it look as though they are working with the Tribe. The Council was opposed.

- 5. Sarah Maki, Assistant CEO/Richard Sarau, Superintendent of the Baraga Area Schools – BAS After School Program (Great Explorations) previously funded from a BHK Grant

Ninety applicants applied for funding for the Great Explorations (GE) program this year and only seven have been funded through the current Government Administration, none of which are in the Upper Peninsula. The Baraga GE program serviced grades K-5 of which 52 of the 67 students were self-identified as Native American.

Sarah presented (3) options to the Council but more information was requested.

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO TABLE UNTIL NEXT THURSDAY UNTIL MORE INFORMATION IS PROVIDED. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

6. Larry Denomie III, CEO –

- a) CNAP Policy Guidelines Amendment – Section 2: Medical Travel/Service Assistance and KBIC CNAP Extended Medical Authorization Request Form

**Robert R.D. Curtis, Jr. left at 10:20 a.m.**

The proposed amendment, adding Level I, II, and III to the tiers of funding and changes to the verification documentation process was reviewed and clean copies will come back next week.

K. Closed Session:

- 1. Danielle Webb, Tribal Attorney –
  - a) Roberto Escobar Assistant Tribal Attorney Employment Agreement
  - b) Updates
- 2. Larry Denomie III, CEO –
  - a) Employee Rehire Policy Discussion
  - b) Marquette Casino Project (Open to KBIC Members)
  - c) Weekly Update

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:41 A.M. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

**Fred Dakota left at 10:46 a.m.**

**Rodney Loonsfoot left at 11:01 a.m.**

**Robert R.D. Curtis, Jr. and Rodney Loonsfoot returned at 11:19 a.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 12:13 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

20.4 Rehire Policy Amendment – took out “zero tolerance” and 2. Change to “corrective action process”  
24.1 Theft Policy (from Zero Tolerance For Theft)

**MOTION MADE BY DOREEN G. BLAKER TO REPHRASE 20.4 REHIRE PARAGRAPH 3. IT IS THE POLICY OF THE KEWEENAW BAY INDIAN COMMUNITY TO ALLOW THE REHIRING OF AN INDIVIDUAL WHO WAS DISMISSED FOR AN ACT OF THEFT, AS DEFINED IN THE THEFT POLICY, ONE YEAR FOLLOWING THE DATE OF THE TERMINATION, EFFECTIVE AUGUST 10, 2017. SUPPORTED BY RODNEY LOONSFOOT. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

Roberto (Bobby) Escobar Assistant Tribal Attorney Employment Agreement  
September 21, 2017 – September 20, 2018

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE ASSISTANT TRIBAL ATTORNEY EMPLOYMENT AGREEMENT WITH ROBERTO ESCOBAR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), THREE ABSENT (Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

L. Adjournment:

**MOTION MADE BY RODNEY LOONSFOOT TO ADJOURN AT 12:15 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Jr.), MOTION CARRIED.**

Respectfully submitted,



Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**OJIBWA CASINO RESORT CONFERENCE ROOM**  
**THURSDAY – AUGUST 10, 2017 – 9:00 A.M.**

A. Date: August 10, 2017

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: August 10, 2017

G. For Your Information:

1. 2017 Primary (November 4, 2017) and General Election (December 16, 2017) Timelines

H. Approval of Meeting Minutes:

1. July 13, 2017
2. July 20, 2017
3. July 27, 2017

I. Old Business:

1. Doreen Blaker, Housing Director – Housing Department Conflict of Interest Policy

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney/Arlan Friisvall, Maintenance Director – Zeba Sewer Repair/Zeba Pumphouse Control System (Funding Increases)
  - a) I.H.S. Project BE-15-J59 Amendment #2 to the Memorandum of Agreement
  - b) I.H.S. Project BE-16-J79 Amendment #1 to the Memorandum of Agreement
2. David Osmak, BIA Michigan Agency Forester - Petawwegezhick Hardwood Timber Stand Improvement (TSI) Selections
3. Jason Ayres, Real Estate Officer –
  - a) Resolution KB-043-2017 USDA Proposed Lease Revisions
  - b) Resolution KB-044-2017 Alger Delta Cooperative Electric Association Utility Easement – Chocolay Township Properties
4. Lori Sherman, Natural Resources Director -
  - a) Justin Woodruff, Environmental Response Program Specialist – Environmental Management Database Project Bids (3)
  - b) Eagle Rock Access Route
5. Sarah Maki, Assistant CEO/Richard Sarau, Superintendent of the Baraga Area Schools – BAS After School Program
6. Larry Denomie III, CEO –
  - a) Marquette Casino Project
  - b) CNAP Policy Guidelines Amendment - Medical
  - c) Weekly Update

K. Closed Session:

1. Danielle Webb, Tribal Attorney –
  - a) Roberto Escobar Assistant Tribal Attorney Employment Agreement
  - b) Updates
2. Larry Denomie III, CEO – Employee Rehire Policy Discussion

L. Adjournment: