

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
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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 17, 2017 – 9:00 A.M.

APPROVED

SEP 07 2017

KBIC PRESIDENT'S OFFICE

SIGNATURE: pl

- A. Date: August 17, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord's Prayer and prayers for community members in the hospital
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Toni J. Minton, Assistant Secretary
Robert R.D. Curtis, Jr. (left at 11:26 a.m.)
Fred Dakota (left at 10:26 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot (left at 11:26 a.m.)
Elizabeth D. Mayo
- Absent: Susan J. LaFernier, Secretary
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: August 17, 2017

Addition: Recognize Scheduled Delegation/Individuals- 1. Stephen King – ORV Magazine Proposal

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, 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 (Susan J. LaFernier, Doreen G. Blaker), MOTION CARRIED.

G. For Your Information:

1. A letter of information and thanks from Deacon John Cadeau, outgoing cemetery sexton and Gary Loonsfoot, Sr., new cemetery sexton regarding the Assinins Cemetery

H. Recognize Scheduled Delegation/Individuals:

1. Stephen King – ORV Magazine Proposal

Stephen is a KBIC member who is a writer, columnist, and photographer. He lives in Naubinway, Michigan and writes for the *Michigan Snowmobiler* “*The Great Lakes only Winter Wonderland Traveler*” magazine. He is not here to make a formal request today, but would like to see if there is any interest from the Council in an ORV magazine.

He feels the market is right and it would be an asset in advertising for our casinos. He also suggested the magazine cover snowmobiles in the winter months.

Stephen will provide a business plan for the magazine to the Council next month.

I. Old Business:

1. Sarah Maki, Assistant CEO – Baraga Area Schools, (Great Explorations) continued After School Program Funding proposal

Sarah provided the Council with (3) budgets from the Pre-Primary Program, Youth Program, and BHK.

The Youth had an after school program two years ago and it is still within their budget and they can utilize existing staff. Sarah will get more information on the cost and number of participants.

The Council would like Sarah to meet with the Education Department and discuss employing their tutors for the after school program.

2. Larry Denomie III, CEO – CNAP Policy Guidelines Amendment - Section 2: Medical Travel/Service Assistance and the (revised) KBIC CNAP Extended Medical Authorization Request Form

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE AMENDMENT TO THE CNAP MEDICAL POLICY. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, 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 (Susan J. LaFernier, Doreen G. Blaker), MOTION CARRIED.

J. New Business:

1. Danielle Webb, Tribal Attorney/Lori Sherman, Natural Resources Director - Legal Services Agreement with Short Cressman and Burgess, PLLC to assist in the completion of an amendment to the Treatment As a State Application (TAS) for Water Quality Standards (term ending October 31, 2017 – not to exceed \$10,000.00)

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE LEGAL SERVICES AGREEMENT WITH SHORT CRESSMAN AND BURGESS, PLLC. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, TWO ABSENT (Susan J. LaFernier, Doreen G. Blaker), MOTION CARRIED.

Jennifer Misegan stated her opposition: She believes this work should have been completed under the last agreement and it should have been supervised better.

2. Bobby Escobar, Assistant Tribal Attorney –

- a) Sue Ellen Elmblad (not present) New Business License “Back Road Organic Supply” (Indoor/Outdoor Organic Supply and Retail) August 9, 2017 – August 8, 2018

MOTION MADE BY TONI J. MINTON TO APPROVE THE BACK ROAD ORGANIC SUPPLY NEW BUSINESS LICENSE FOR SUE ELLEN ELMBLAD. SUPPORTED BY RODNEY LOONSFOOT. EIGHT IN FAVOR (Toni J. Minton, 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 (Jennifer Misegan), TWO ABSENT (Susan J. LaFernier, Doreen G. Blaker), MOTION CARRIED.

- b) Arlan Friisvall, Maintenance Director – Project Summary and Private Onsite Wastewater Treatment Systems (POWTS) Memorandum of Agreement (Bemidji Area I.H.S. Project No. BE-17-K12) Replacement Project to serve Existing Category Homes throughout KBIC (Baraga, Houghton, and Ontonagon Counties)
\$124,500.00, \$41,500.00 KB = \$166,000.00 Total

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BEMIDJI AREA INDIAN HEALTH SERVICE SANITATION FACILITIES PROJECT. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, 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 (Susan J. LaFernier, Doreen G. Blaker), MOTION CARRIED.

3. Thomas Chosa, Information Technology (I.T.) Director – Dell PowerEdge Server and EqualLogix Storage Array for the Tribal Center (1) Sole Source Bid \$34,237.00

MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE SOLE SOURCE BID FROM DELL AS PRESENTED. SUPPORTED BY RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, 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 (Susan J. LaFernier, Doreen G. Blaker), MOTION CARRIED.

Break: 10:26 – 10:43 a.m. (Fred Dakota left)

4. Elizabeth Mayo –

a) Health Board By-Laws

There are currently (7) members on the Health Board and Elizabeth would like to add a Council Representative as a voting member and also a DHHS employee.

MOTION MADE BY ELIZABETH D. MAYO TO AMEND THE HEALTH BOARD BY-LAWS IN ARTICLE III SECTION 1. BOARD MEMBERSHIP TO CONSIST OF NINE REGULAR MEMBERS ADDING ONE COUNCIL REPRESENTATIVE AND ONE DHHS EMPLOYEE. SUPPORTED BY JENNIFER MISEGAN.

Rodney Loonsfoot (Health Board member) would like to receive input from the Health Board and he will add it to their next agenda.

MOTION MADE BY TONI J. MINTON TO TABLE AMENDING THE HEALTH BOARD BY-LAWS UNTIL THE BOARD PROVIDES THEIR INPUT. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot), THREE OPPOSED (Jennifer Misegan, Michael F. LaFernier, Sr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Susan J. LaFernier, Doreen G. Blaker, Fred Dakota), MOTION CARRIED.

b) Debit/Credit Card Use for Payments to the Tribal Center Receptionist

There were 424 deposits made at the Tribal Center in July and possibly one half would use a credit/debit card.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE USE OF DEBIT/CREDIT CARDS AT THE TRIBAL CENTER RECEPTIONIST DESK WITH NO FEES TO THE CARD HOLDER AND TO HAVE IT IN PLACE WITHIN THIRTY DAYS. SUPPORTED BY GARY F. LOONSFOOT, JR.

Gary Loonsfoot, Jr. withdrew his support.

Motion died for lack of support.

MOTION MADE BY GARY F. LOONSFOOT, JR. TO UPDATE THE FRONT DESK WITH A CREDIT CARD READING MACHINE WITH THE CUSTOMER PAYING THE ASSOCIATED FEES REQUIRED BY THE CARD COMPANY AND HAVE THE CFO ESTABLISH A REASONABLE FEE EFFECTIVE OCTOBER 1, 2017. SUPPORTED BY RODNEY LOONSFOOT. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Susan J. LaFernier, Doreen G. Blaker, Fred Dakota), MOTION CARRIED.

5. Larry Denomie III, CEO – Weekly Update

A meeting was held in the Tribal Center on August 7th with the Environmental Protection Agency (EPA) and the Michigan Department of Environmental Quality (MDEQ) regarding the development of the public water supply system at the Marquette Casino property. Because the property is not presently on trust land, the EPA is involved and the Tribe will operate the water supply system under the MDEQ guidelines until the land is put into Trust.

Marquette Township Board approved a 1% sale of its capacity to Chocolay Township for the Tribes wastewater discharge for the Marquette casino project.

The grubbing work (removal of trees) for the Alger-Delta electrical update for the Marquette Casino project began on August 16. Doreen Blaker, Housing Department Director, will send notices to the residents of Harvey.

There is a plan to put a barrier on the tree line to cover the open space between the casino and residential area on Kabawgum Road for the work being done by SEMCO and their upgrades for the Marquette casino project.

Customer Appreciation Day for the Tribes businesses (Pines, BP, The Rez Stop, Ojibwa Building Supply, Eagle Radio) is planned for August 30th. In-store specials and drawings will be held at each site with one outside event at the Pines Convenience Center.

K. Closed Session:

1. Danielle Webb, Tribal Attorney - Updates

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:17 A.M. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Jennifer Misegan, 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 (Susan J. LaFernier, Doreen G. Blaker, Fred Dakota), MOTION CARRIED.

Robert R.D. Curtis, Jr. and Rodney Loonsfoot left at 11:26 a.m. (per Danielle Webb's request for a case update)

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 11:29 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Special Prosecutor Appointment

MOTION MADE BY JENNIFER MISEGAN TO APPOINT KEVIN CARLISLE AS THE SPECIAL PROSECUTOR WHILE DANIELLE WEBB IS ON MATERNITY LEAVE OR IN CONFLICT. SUPPORTED BY GARY F. LOONSFOOT, JR. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 11:32 A.M. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Respectfully submitted,


Peggy Loonsfoot
Administrative Specialist

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THURSDAY – AUGUST 17, 2017 – 9:00 A.M.

A. Date: August 17, 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 17, 2017

G. For Your Information:

1. A letter from Deacon John Cadeau and Gary Loonsfoot, Sr. regarding the Assinins Cemetery

H. Old Business:

1. Sarah Maki, Assistant CEO/Richard Sarau, Superintendent of the Baraga Area Schools – After School Program Funding
2. Larry Denomie III, CEO – CNAP Policy Guidelines Amendment - Section 2: Medical Travel/Service Assistance

I. New Business:

1. Danielle Webb, Tribal Attorney/Lori Sherman, Natural Resources Director - Legal Services Agreement with Short Cressman and Burgess, PLLC for the Treatment As a State Application (TAS) for Water Quality Standards

2. Bobby Escobar, Assistant Tribal Attorney –
 - a) Sue Ellen Elmlblad New Business License Back Road Organic Supply (Indoor/Outdoor Organic Supply and Retail)
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3. Thomas Chosa, Information Technology (I.T.) Director – Dell PowerEdge Server and EqualLogix Storage Array (1) Sole Source Bid
4. Elizabeth Mayo –
 - a) Health Board By-Laws
 - b) Debit/Credit Card Use for Payments to the Receptionist
5. Larry Denomie III, CEO – Weekly Update

J. Closed Session:

1. Danielle Webb, Tribal Attorney - Updates

K. Adjournment: