

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – AUGUST 15, 2019 – 9:00 A.M.**

- A. Date: August 15, 2019
- 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 (left at 1:20 p.m.)
Gary F. Loonsfoot, Jr., Vice President
Susan J. LaFerner, Secretary
Toni J. Minton, Assistant Secretary (left at 1:20 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Dale F. Goodreau
Randall R. Haataja
Kim Klopstein
Michael F. LaFerner, Sr.
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: August 15, 2019

MOTION MADE BY KIM KLOPSTEIN TO APPROVE THE AGENDA. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- G. For Your Information:
1. Tobacco Purchase and Sale Agreement-Asemaa and LacVieux Desert Band for the sale of tobacco products manufactured by the KBIC Tobacco Company

2. Trade and Commerce Agreement-KBIC and LacVieux Desert Band (Tobacco Products) signed August 9, 2019
3. Account Investment Objectives for the Office of the Special Trustee for American Indians for (3) accounts
4. U.S. vs. Tilden Mining Company Civil Action Consent Decree for Clean Water Act violation and compensation challenged by KBIC
5. I.H.S. Opioid Grant Program Comment Submission deadline extended to September 3, 2019
6. Administration for Children & Families Annual Tribal Consultation September 16, 2019 in Temecula, California
7. An invite from the Environmental Protection Agency for informal discussions on proposed amendments to EPA regulations governing emissions from oil and natural gas development in Indian Country
8. A “Thank you” and honorarium (\$50) to the KBIC Dance Troupe from the Keweenaw County Historical Society

H. Recognize Scheduled Delegation/Individuals:

1. Bob Wenc, Fundraising Committee Chair of the Parade of Nations – 30th Annual Parade of Nations and Multicultural Festival "30 Years Bridging Cultures" (\$2,000.00 Gold Sponsorship) Saturday, September 21, 2019 – Bob came before the Council to say “thank you” once again for KBIC’s support.

I. Approval of Meeting Minutes:

1. July 25, 2019

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE JULY 25, 2019 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Dale F. Goodreau), ABSENT - 0, MOTION CARRIED.

2. July 30, 2019

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE JULY 30, 2019 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), ABSENT - 0, MOTION CARRIED.

J. Old Business:

1. Larry Denomie III, Ojibwa Casinos General Manager – Enterprises
 - a) Enterprise Employment Manual Amendment to Definition for Temporary Employee

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE DEFINITION AMENDMENT FOR TEMPORARY EMPLOYEE IN THE ENTERPRISE EMPLOYMENT MANUAL AS PRESENTED. SUPPORTED BY GARY F. LOONSFOOT, JR. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

b) Job Postings and Promotions Policy Amendment

Enterprise Employment Manual Amendments:

H. Job Descriptions

I. Job Postings

K. Transfers

L. Promotions

M. Temporary Promotions, Temporary Transfers, and Interim Appointments

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE ENTERPRISE EMPLOYEE MANUAL AMENDMENTS TO JOB DESCRIPTIONS, JOB POSTINGS, TRANSFERS, PROMOTIONS, AND TEMPORARY PROMOTIONS, TEMPORARY TRANSFERS, & INTERIM APPOINTMENTS AS PRESENTED. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Sarah Smith, CEO/Debra Picciano, TERO Director/Beth Fish, Personnel Director (not present) –

Government Personnel Policy Amendments:

a) 2.3 Classification of Employees C. Temporary/On-Call

b) 4.0 Personnel Selection and Probation:

4.7 Job Descriptions

4.8 Job Postings

4.9 Selection Procedure

4.10 Transfers

4.11 Promotions

4.12 Temporary Promotions, Temporary Transfers, & Interim Appointments

MOTION MADE BY TONI J. MINTON TO APPROVE THE PERSONNEL POLICY AMENDMENT TO 2.3 CLASSIFICATION OF EMPLOYEES AND THE AMENDMENTS TO SECTION 4.0 PERSONNEL SELECTION AND PROBATION AS PRESENTED. CO-SUPPORTED BY KIM KLOPSTEIN AND RODNEY LOONSFOOT.

ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 9:52 – 10:04 a.m.

2nd Reading/Public Hearing

Proposed Ordinance 2019-01 to add Chapter 9.5 Garnishment amending Title Nine to grant the KBIC Housing Department the authority to garnish a tenant’s paycheck to recover for rent’s owed to the Housing Department

[See Legislative File]

President Swartz read the Legislative Process and Public Hearing Procedures and opened for written and verbal comments.

Council Members Present:

Also in attendance:

Warren C. Swartz, Jr., President
Gary F. Loonsfoot, Jr., Vice President
Susan J. LaFerner, Secretary
Toni J. Minton, Assistant Secretary
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Dale F. Goodreau
Randall R. Haataja
Kim Klopstein
Michael F. LaFerner, Sr.
Rodney Loonsfoot
Elizabeth D. Mayo

Paul Mooney
Sarah Smith
Larry Denomie III
Debra Picciano
Joe Schutte
Ed Janisse
Jason Ayres
Peggy Dunn
Beverly Lussier
Peggy Loonsfoot
Brandon Chosa

No written or verbal comments were received.

The 3rd Reading is scheduled for August 29, 2019 at 10:00 a.m.

President Swartz concluded the 2nd Reading at 10:08 a.m.

K. New Business:

1. Paul Mooney, Assistant Tribal Attorney –

a) Joseph Schutte, NRD Operations & Compliance Specialist – (Baraga County) Board of County Road Commissioners Project Agreement for replacement of the culvert crossing Boyer Creek on Shrine Road by December 31, 2019 \$98,483.00

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO TABLE THE PROJECT AGREEMENT UNTIL THE COUNCIL CAN MEET WITH NICK LINDEMANN FROM THE BARAGA COUNTY ROAD COMMISSION. SUPPORTED BY RODNEY LOONSFOOT. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) Ed Janisse, General Manager of Eagle Radio –
 - i. Network Implementation Agreement (Antenna Lease) with 906 Technologies, LLC Marquette, Michigan for water tower space for a networking system
 - ii. LTE Implementation Agreement (Antenna Lease) with Northern Michigan University for water tower space for a wireless networking system

Both agreements have a (5) year term \$425.00/month and shall increase by 2% on each renewal date

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE NETWORK IMPLEMENTATION AGREEMENT WITH 906 TECHNOLOGIES, LLC AND THE LTE IMPLEMENTATION AGREEMENT WITH NORTHERN MICHIGAN UNIVERSITY FOR THE ANTENNA LEASES. SUPPORTED BY DOREEN G. BLAKER. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- c) Heather Wood-Paquet, Health Promotions Coordinator – MDHHS Special WIC Breastfeeding Peer Counseling Funding FY2020 (This is new funding for a board certified lactation consultant) Grant Period: November 1, 2019 – September 30, 2020 \$15,000.00

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE MDHHS SPECIAL WIC BREASTFEEDING PEER COUNSELING FUNDING FOR FY2020 IN THE AMOUNT OF \$15,000.00. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- d) Larry Denomie III, Ojibwa Casinos General Manager – Bally Gaming, Inc. Master Agreement (1) year term with automatic renewal unless either party terminates

MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE MASTER AGREEMENT WITH BALLY GAMING, INC. SUPPORTED BY DOREEN G. BLAKER. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Larry Denomie III, Ojibwa Casinos General Manager/Weekly Update – available for your review
3. David Zasadnyj, Information Technology (I.T.) Director – Voice Over Internet Protocol (VOIP) System Bid (1) \$40,109.55 (Funding will be split between I.T., Housing, and NRD) for phones and licenses

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE SINGLE SOURCE BID FROM MARCONET FOR THE VOIP SYSTEM. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), ABSENT - 0, MOTION CARRIED.

4. Jason Ayres, Real Estate Officer –
 - a) Resolution KB-029-2019 Carol M. Wettberg Residential Lease Baraga, Michigan

MOTION MADE BY KIM KLOPSTEIN TO APPROVE RESOLUTION KB-029-2019 CAROL M. WETTBERG RESIDENTIAL LEASE. CO-SUPPORTED BY TONI J. MINTON AND RANDALL R. HAATAJA. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) Resolution KB-030-2019 ILCA Recoup Account Gregory A. Burton UFI (Undivided Fractional Interests) Acquisition

A purchase agreement to acquire undivided fractional interest of (4) allotments in Baraga Township in the amount of \$9,445.26

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-030-2019 ILCA RECOUP ACCOUNT GREGORY A. BURTON UFI ACQUISITION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- c) Gundlach Champion, Inc. Change Order #2 to the Roads Agreement (Ojibwa Casino II Entrance and Parking, Harvey Roads) 8 light poles, bases and wire along Acorn Trail, reconstruct entrance drive, erosion control measures, and a new fence along the east property line \$221,969.36 (BIA Roads Fund)

MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE CHANGE ORDER NO. 2 TO THE ROADS AGREEMENT WITH GUNDLACH CHAMPION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr.), ONE OPPOSED (Rodney Loonsfoot), ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

(Elizabeth Mayo is out of the room)

- 5. Gary Loonsfoot, Jr., KBIC Cannabis Developer/Weekly Update – Verbal Report

Met with Negaunee Township regarding the grow facility project at the Negaunee Airport property, we can build at the site but it would require a re-zoning of the processing facility for commercial. Gary plans to use the existing slab on the property and he would like to retain services from U.P. Engineers for environmental specs, render drawings, zoning permits, etc. On November 1st the State will start accepting applications for recreational licenses and those who have medical marijuana licenses will get the recreational license first.

- 6. Doreen Blaker, Treasurer – Donations/August 2019

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE AUGUST 2019 DONATIONS AS THE FOLLOWING: SANDRA TAHTINEN FOR MEDICAL RELATED TRAVEL AND FOOD EXPENSES USING THE CAP GUIDELINES, \$500.00 TO THE BARAGA HIGH SCHOOL GIRLS AND BOYS VARSITY BASKETBALL HUDL ASSISTANT, AND \$250.00 TO THE SALVATION ARMY FOR BACKPACKS. SUPPORTED BY DALE F. GOODREAU. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- 7. Sarah Smith, CEO/Weekly Update – available for your review (closed session)

Lunch/Recess: 11:36 a.m. – 1:20 p.m. Open House/Ribbon Cutting for Oshki Maaji “New Beginning Halfway House” in L’Anse

President Swartz and Toni Minton left at 1:20 p.m.

Vice President Loonsfoot is chairing.

L. Closed Session:

1. Gaming Commissioner Position Interview (1)
2. Paul Mooney, Assistant Tribal Attorney/Kathy Mayo, Interim Health Administrator (not present)-On-Call/Fill-In Pharmacist's Employment Agreement with Heather M. Grundy
3. Caitlin Bowers, Director of Social Services – ICWA Committee (By-Laws and Guidelines)
4. Sarah Smith – Weekly Update

MOTION MADE BY DOREEN G. BLAKER TO GO INTO CLOSED SESSION AT 1:21 P.M. SUPPORTED BY KIM KLOPSTEIN. SEVEN IN FAVOR (Susan J. LaFerner, Doreen G. Blaker, Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Rodney Loonsfoot), MOTION CARRIED.

Robert R.D. Curtis, Jr. returned from lunch at 1:22 p.m.

Rodney Loonsfoot returned from lunch at 1:32 p.m.

Gary F. Loonsfoot, Jr. left at 1:55 – 2:02 p.m.

MOTION MADE BY KIM KLOPSTEIN TO GO INTO OPEN SESSION AT 3:08 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Toni J. Minton), MOTION CARRIED.

Heather M. Grundy (On-Call/Fill-In) Pharmacist's Employment Agreement –
July 29, 2019 – June 28, 2022

MOTION MADE BY KIM KLOPSTEIN TO APPROVE THE PHARMACIST'S EMPLOYMENT AGREEMENT WITH HEATHER GRUNDY. SUPPORTED BY DALE F. GOODREAU. NINE IN FAVOR (Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Toni J. Minton), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY KIM KLOPSTEIN TO ADJOURN AT 3:09 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot
Administrative Specialist