KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
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MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
FRIDAY – FEBRUARY 27, 2015 – 9:00 A.M.

A. Date: February 27, 2015

B. Call to Order: President Swartz called the meeting to order at 9:45 a.m.

C. Invocation: Lord’s Prayer

D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President (left 10:22 – 10:55 a.m.)
Toni J. Minton, Secretary
Susan J. LaFernier, Assistant Secretary (left at 11:58 a.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (arrived at 9:50 a.m., left at 4:12 p.m.)
Eddy Edwards (arrived at 9:58 a.m., left at 2:42 p.m.)
Randall R. Haataja (left at 2:37 p.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr. (arrived at 10:58 a.m.)
Don Messer, Jr. (arrived at 10:30 a.m.)

Absent: Donald Shalifoe, Sr.

E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

F. Approval of Agenda: February 27, 2015

Addition: FYI-

Deletion: New Business-

3. KBIC Purchasing and Procurement Policy Revision Draft
2. Lori Sherman, NRD Director – a) Midwest Lake Management, Inc. Services Agreement

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.
G. For Your Information:

1. National Congress of American Indians Request for Participation Renewal
2. U.S. Department of Justice Information Meeting regarding Marijuana Issues in Indian Country on April 28, 2015 in Marquette, MI
3. Purchasing and Procurement Amendment Draft

Robert R.D. Curtis, Jr. arrived at 9:50 a.m.

H. Approval of Meeting Minutes: [Share Point]

1. February 13, 2015 [Return to later in the day]

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE JULY 11, 2013 THROUGH SEPTEMBER 26, 2013 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. FOUR IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja), OPPOSED - 0, THREE ABSTAINING (Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr.), FOUR ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

I. New Business:

1. Holly Makela, Drug Court Coordinator/Danielle Webb, Assistant Tribal Attorney – Rebecca Panasiewicz Services Agreement for the KBIC Tribal Court’s Healing to Wellness Court (Positive Peer Group Counseling)

Eddy Edwards arrived at 9:58 a.m.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SERVICES AGREEMENT WITH REBECCA PANASIEWICZ FOR THE HEALING TO WELLNESS COURT. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), THREE ABSENT (Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

2. Lori Sherman, Natural Resources Director – Resolution KB-011-2015 ANA Environmental Regulatory Grant 20% In-Kind Match for a Tribal Wetland Program

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-011-2015 ANA ENVIRONMENTAL REGULATORY GRANT. SUPPORTED BY DOREEN G. BLAKER. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.
3. Debra Parrish, KBOCC President – Resolution KB-012-2015 Land into Trust for Ojibwa Community College (OCC) L’Anse Township Property for educational purposes

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-012-2015 LAND INTO TRUST FOR OCC. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

[Closed Session]

1. Elderly Nutrition Director Interviews (1)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:13 A.M. TO CONDUCT ELDERLY NUTRITION DIRECTOR INTERVIEWS. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

Break: 10:22 – 10:30 a.m. (Jennifer Misegan left)

Don Messer, Jr. arrived at 10:30 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 10:44 A.M. SUPPORTED BY DOREEN G. BLAKER. EIGHT IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

Elderly Nutrition Director –

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO HIRE ELIZABETH KOSKI AS THE ELDERLY NUTRITION DIRECTOR. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Don Messer, Jr.), OPPOSED - 0, TWO ABSTAINING (Susan J. LaFernier, Michael F. LaFernier, Sr.), THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.
4. Bruce LaPointe, Department of Public Works Director –
   
a) Zeba Lift Station Pump Rebuild (2) Bids

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE BID FROM Z&R ELECTRIC SERVICE IN THE AMOUNT OF $11,475.00 TO REBUILD THE Zeba LIFT STATION PUMP. SUPPORTED BY DON MESSER, JR. SEVEN IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), THREE ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

b) Zeba Sewer Inflow and Infiltration Study - Contribution/Match (requires a 25% match – Bruce needs a budget modification) see the June 7, 2014 motion

Jennifer Misegan returned at 10:55 a.m.

c) Resolution KB-013-2015 Referenced Funding Agreement (RFA) with the B.I.A. 2015-2016 Tribal Transportation Program Agreement and Direct (Retained) Services Agreement for 2015

Gary Loonsfoot, Sr. arrived at 10:58 a.m.

MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-013-2015 REFERENCED FUNDING AGREEMENT AND IN ADDITION AUTHORIZE THE PRESIDENT TO SIGN THE RETAINED SERVICES ADDENDUM. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Gary F. Loonsfoot, Sr.), ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

5. Larry Denomie III, CEO – Minimum Wage Proposal to increase the starting wages up to Grade 4 – for review

J. Old Business:

1. Larry Denomie III, CEO –

   a) Ojibwa Casinos Employee Manual - Section VI (O.) Gambling by Employees

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE CHANGES TO THE ENTERPRISE EMPLOYEE MANUAL SECTION VI (O.) GAMBLING BY EMPLOYEES AS DISCUSSED. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.
b) Section II (G.) Rest Periods

MOTION MADE BY DOREEN G. BLAKER TO REINSTATE SECTION II (G.) REST PERIODS TO THE OJIBWA CASINOS EMPLOYEE MANUAL. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

c) Annual Leave Policy (B.3) Carryover related to 160 Hour Limit

MOTION MADE BY TONI J. MINTON TO INCREASE THE MAXIMUM CARRYOVER HOURS TO 240 AND EXTEND THE DEADLINE TO SEPTEMBER 30, 2015 AND TO REQUIRE A PLAN IN PLACE ON HOW IT WILL BE USED. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

[Approval of Meeting Minutes]

February 13, 2015 –

MOTION MADE BY TONI J. MINTON TO APPROVE THE FEBRUARY 13, 2015 MEETING MINUTES WITH CHANGES. SUPPORTED BY RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

Lunch: 11:56 a.m. – 1:07 p.m. (Susan LaFernier left)

2. President Swartz – Ojibwa Housing Authority Board of Commissioners (Robert R.D. Curtis, Jr., Gary Loonsfoot, Sr., Dominic Picciano present)

Michael LaFernier, Sr. returned from lunch at 1:13 p.m.

A discussion was held regarding the BP Gas Station keeping $1.50 of the $2.00 tobacco tax refund from the State of Michigan on each pack of cigarettes purchased by Tribal Members.

The Council had requested to meet with the OHA Board of Commissioners last year and the Board was non-compliant.
Last week the Council was presented with a proposal from the OHA Board of Commissioners to keep 10% and refund the Tribal Member 90%.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 1:40 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Susan J. LaFernier, Donald Shalifoe, Sr.), MOTION CARRIED.

Break: 1:41 – 1:53 p.m.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO OPEN SESSION AT 2:16 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Susan J. LaFernier, Donald Shalifoe, Sr.), MOTION CARRIED.

Randall Haataja left at 2:38 p.m.

Eddy Edwards left at 2:42 p.m.

3. Dan MacNeil, Tribal Attorney/Danielle Webb, Assistant Tribal Attorney –
   a) Ojibwa BP Gas Station Taxed Tobacco License Renewal

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE OJIBWA BP GAS STATION TOBACCO LICENSE RENEWAL UNDER THE CONDITION THAT THE FULL TOBACCO TAX IS REFUNDED TO THE TRIBAL MEMBER. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), FOUR ABSENT (Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

   b) Rez Stop Liquor License Application (a certificate of liability insurance is needed)

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE THE REZ STOP LIQUOR LICENSE APPLICATION UNTIL MONDAY. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.
c) Rez Stop Taxed Tobacco License Application

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE REZ STOP GAS STATION TOBACCO LICENSE APPLICATION UNDER THE CONDITION THAT THE FULL TOBACCO TAX IS REFUNDED TO THE TRIBAL MEMBER. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), FOUR ABSENT (Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

K. Closed Session:

3. Larry Denomie III, CEO –
   a) 2014 Employee Change Report
   b) Employee Promotion Part-time to Full-time
4. FY2015 Budget [Rescheduled to March 2, 2015]

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 2:49 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

Break: 2:51 – 3:04 p.m.

Robert R.D. Curtis, Jr. left at 4:12 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:16 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

NRT Technologies, Inc. Master Supply and Processing Services Agreement –

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE MASTER SUPPLY AND PROCESSING SERVICES AGREEMENT WITH NRT TECHNOLOGIES, INC. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), FIVE ABSENT (Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.
L. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, SR. TO ADJOURN AT 4:19 P.M. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot
Administrative Specialist
AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
FRIDAY – FEBRUARY 27, 2015 – 9:00 A.M.

A. Date: February 27, 2015

B. Call to Order:

C. Invocation: Lord’s Prayer

D. Roll Call: Warren C. Swartz, Jr., President
                Jennifer Misegan, Vice President
                Toni J. Minton, Secretary
                Susan J. LaFernier, Assistant Secretary
                Doreen G. Blaker, Treasurer
                Robert R.D. Curtis, Jr.
                Eddy Edwards
                Randall R. Haataja
                Michael F. LaFernier, Sr.
                Gary F. Loonsfoot, Sr.
                Don Messer, Jr.
                Donald Shalifoe, Sr.

E. Declaration of Quorum:

F. Approval of Agenda: February 27, 2015

G. For Your Information:

    1. National Congress of American Indians Request for Participation Renewal
    2. U.S. Department of Justice Information Meeting regarding Marijuana Issues in Indian Country on April 28, 2015 in Marquette, MI

H. Approval of Meeting Minutes: [Share Point]

    1. February 13, 2015

I. New Business:

    1. Holly Makela, Drug Court Coordinator/Danielle Webb, Assistant Tribal Attorney – Rebecca Panasiewicz Services Agreement
    2. Lori Sherman, Natural Resources Director –
       a) Midwest Lake Management, Inc. Services Agreement
b) Resolution KB-011-2015 ANA Environmental Regulatory Grant

3. Debra Parrish, KBOCC President – Resolution KB-012-2015 Land into Trust for OCC

4. Bruce LaPointe, Department of Public Works Director –
   a) Zeba Lift Station Pump Rebuild
   b) Zeba Sewer Inflow and Infiltration Study - Contribution/Match
   c) Resolution KB-013-2015 Referenced Funding Agreement (RFA)

5. Larry Denomie III, CEO – Minimum Wage Proposal

J. Old Business:

1. Larry Denomie III, CEO –
   a) Ojibwa Casinos Employee Manual - Section VI (O.) Gambling by Employees
   b) Section II (G.) Rest Periods
   c) Annual Leave Policy (B.3) Carryover related to 160 Hour Limit

2. President Swartz – Ojibwa Housing Authority Board of Commissioners – 1:00 p.m.

3. Dan MacNeil, Tribal Attorney/Danielle Webb, Assistant Tribal Attorney –
   a) Ojibwa BP Gas Station Tobacco License Renewal
   b) Rez Stop Liquor License Application
   c) Rez Stop Tobacco License Application

K. Closed Session:

1. Elderly Nutrition Director Interviews (2) – 10:00 a.m. – 10:30 a.m.


3. Larry Denomie III, CEO –
   a) 2014 Employee Report
   b) Employee Promotion Part-time to Full-time

4. FY2015 Budget

L. Adjournment: