MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – FEBRUARY 23, 2017 – 9:00 A.M.

A. Date: February 23, 2017

B. Call to Order: Vice President Misegan called the meeting to order at 9:09 a.m.

C. Invocation: Prayer by Rodney Loonsfoot and prayers for the Family of Mary Bergerson

D. Roll Call: Present: Jennifer Misegan, Vice President
Susan J. LaFerrier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:09 p.m.)
Doreen G. Blaker, Treasurer
Fred Dakota (left at 11:01 a.m.)
Randall R. Haataja
Michael F. LaFerrier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo

Absent: Warren C. Swartz, Jr., President
Robert R.D. Curtis, Jr.

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

F. Approval of Agenda: February 23, 2017

Additions: Closed Session—
2. Danielle Webb, Tribal Attorney/Tribal Prosecutor – a) Articles of Organization and b) Operating Agreement for the KBIC Tobacco Company, LLC

Old Business—
1. Don Wren, Ojibwa Casinos General Manager – Casino Proposal Addition (4)

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS
"Home of the Midnight Two-Step Championship"
New Business—

6. Bobby Escobar, Assistant Tribal Attorney – a) Change Sarah Maki, Assistant CEO to Jason Ayres, Real Estate Officer

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY RANDALL R. HAATAJA. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

G. For Your Information:

1. Exemption of certain Indian Health Service Positions from the Federal Civilian Hiring Freeze
2. Letter from Empower Retirement - Termination of Services of the KBIC Defined Benefit Plan (EMJAY #7007786-B1 by September 30, 2017) because of a change in business strategy

H. Old Business:

1. Vice President Misegan –

   a) Francis J. LaPointe, Jr., CFO (not present) – Permission to Liquidate Trust Assets (discussed at the February 21, 2017 Finance meeting)

   MOTION MADE BY DOREEN G. BLAKER TO GRANT PERMISSION TO LIQUIDATE THE TRUST ASSETS WITH SUPERIOR NATIONAL BANK ACCOUNTS I, II, AND III FOR THE CASINO PROJECTS. CO-SUPPORTED BY GARY F. LOONSFOOT, JR. AND RODNEY LOONSFOOT. EIGHT IN FAVOR (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, ONE ABSTAINING (Susan J. LaFernier), TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

   b) Superior National Bank & Trust Company Corporate Resolution KB-004-2017 Board of Directors Authority Amendment #1 (Francis J. LaPointe, Jr. Authorization)

MOTION MADE BY DOREEN G. BLAKER TO APPROVE AMENDMENT TO RESOLUTION KB-004-2017. SUPPORTED BY RANDALL R. HAATAJA. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

2. Don Wren, Ojibwa Casinos General Manager – Casino Proposals (4)

   a) Service Culture $241,270.00 (Casino’s and Government)
   b) Compensation Study $94,000.00 (Casino’s and Government)
c) Measurement Program $31,400.00 (Casinos)
   d) Organizational Structure (Casino)

Discussion/Comments

Debra Parrish, KBOCC President stated that she has worked with the Casino managers in the past and Community people/College could do parts of this training.


Break: 10:31 – 10:42 a.m.

I. New Business:

   1. Lori Sherman, Natural Resources Director/Gene Mensch, Fisheries and Wildlife Biologist – One Source Bid for a Research Vessel (Tier IV) $314,000.00 One-Time Capacity Award

MOTION MADE BY ELIZABETH D. MAYO TO MOVE FORWARD WITH HENLEY BOAT MANUFACTURING (CANADA) FOR THE NRD RESEARCH VESSEL FUNDED BY THE BIA. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

   2. Cherie Dakota, OVW Team Lead for Niimigimiwang Office of Violence Against Women - Resolution KB-008-2017 Department of Justice FY2017 Coordinated Tribal Assistance Solicitation (CTAS) $2,700,000.00 due February 28, 2017 for 3 years for four purpose areas (safety)

MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-008-2017 DEPARTMENT OF JUSTICE FY2017 COORDINATED TRIBAL ASSISTANCE SOLICITATION. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

   3. Doreen Blaker, Treasurer – Donation Requests
Fred Dakota left at 11:01 a.m.

a) Kendra Sprenkle for Keweenaw Bay Hockey Association Danny Ojala Memorial Squirt Invitational Hockey Tournament February 24, 25, 26, 2017
b) Matthew J. Beck II for “Yooper Bowl” Upper Peninsula’s Football All-Star Game $600.00. He received donations from the Pines and Ojibwa Casino.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE $250.00 FOR THE DANNY OJALA MEMORIAL SQUIRT INVITATIONAL HOCKEY TOURNAMENT AND $350.00 TOWARDS THE PURCHASE OF A FULL-PAGE AD COMBINED WITH THE CASINO AND PINES IN ORDER FOR MATTHEW J. BECK II TO REACH HIS FUNDRAISING GOAL TO ATTEND THE U.P. FOOTBALL ALL-STAR GAME. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (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, THREE ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.


Total available: $550,000.00 per year x 5 years. Due March 1, 2017

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-009-2017 SUBSTANCE ABUSE AND MENTAL HEALTH ADMINISTRATION (SAMHSA) PROJECT LAUNCH COOPERATIVE AGREEMENT PROGRAM. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (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, THREE ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

5. Bobby Escobar, Assistant Tribal Attorney –

a) Jason Ayres, Real Estate Officer - BIA Road Maintenance Program Annual Funding Section 108 Model Agreement Award #A17AV00280 $9,370.00 effective January 1, 2017

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BIA ROAD MAINTENANCE ANNUAL FUNDING AGREEMENT AWARD #A17AV00280 FOR $9,370.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (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, THREE ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.
b) Evelyn Ravindran, NRD Hatchery/Nursery Manager - Kleiman Pump and Well Drilling, Inc. Tier III Services Agreement for pump hardware replacement services $12,959.29 February 27, 2017 – March 17, 2017

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SERVICES AGREEMENT WITH KLEIMAN PUMP AND WELL DRILLING TO PROVIDE PUMP HARDWARE AND REPLACEMENT SERVICES IN WELL #3 AT THE KBIC NRD. CO-SUPPORTED BY TONI J. MINTON AND RANDALL R. HAATAJA. EIGHT IN FAVOR (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, THREE ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

c) Carole LaPointe, Health Administrator – Multi-Year Funding Agreement, Buyback/Withhold Agreement for FY2016 (Compact) between the Indian Health Service for the Secretary of the Department of Health and Human Services and KBIC for programs, functions, and activities

October 1, 2016 – September 30, 2019

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE THE MULTI-YEAR FUNDING AGREEMENT UNTIL MARCH 4, 2017. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (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), THREE ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

[Old Business]

3. Larry Denomie III, CEO – Baraga Casino Renovation Budget $2,004,572.00 from Gundlach Champion

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BARAGA FACILITY RENOVATIONS TO THE HOTEL, RESTAURANT, CASINO, AND PRESSBOX. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (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), THREE ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

[New Business]

6. Larry Denomie III, CEO – Weekly Update

Larry and Jason Ayres attended a meeting in Chocolay Township regarding the zoning issues.

Gundlach Champion unveiled revised casino designs on Tuesday and Wednesday. Sam Olbekson (Cunningham) is finalizing the plans.
In regards to the water issue in Chocolay Township, the Tribe has an adequate supply of water for its needs. The Tribe offered water services to the residents of Chocolay and the surrounding areas of the Marquette Casino. The proposal to the Chocolay Township Board was for them to accept 2% funds for a water tower and in return the Tribe would provide water service. Chocolay accepted the 2% part of the proposal but declined the water services as they determined it would not be feasible for them.

Information was on the Tribe’s Facebook page.

A press release will be in the next Newsletter regarding the KBIC Tobacco Company, LLC and the water issue in Chocolay Township.

J. Closed Session:

1. Bobby Escobar, Assistant Tribal Attorney/Carole LaPointe, Health Administrator –
   a) School Counselor’s Employment Agreement - Kimberly Hendrickson, MSW
   b) Physician’s Employment Agreement - Dr. Lori Vaughan
   c) Dentist’s Employment Agreement – R. Brent Johnson, DDS
2. Danielle Webb, Tribal Attorney/Tribal Prosecutor – KBIC Tobacco Company, LLC
   a) Articles of Organization
   b) Operating Agreement

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 12:09 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (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, THREE ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Lunch: 12:09 - 1:03 p.m. (Toni Minton left)

Break: 1:55 – 2:01 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 2:34 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Kimberly Hendrickson, MSW, School Counselor’s Employment Agreement – March 1, 2017 – February 29, 2020 to provide youth therapy and evaluation services at the Tribe’s Health System
MOTION MADE BY ELIZABETH D. MAYO TO APPROVE KIMBERLY HENDRICKSON’S SCHOOL COUNSELOR’S EMPLOYMENT AGREEMENT PENDING THE PRE-EMPLOYMENT REQUIREMENTS. SUPPORTED BY RODNEY LOONSFOOT. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Dr. Lori Vaughan (Hancock, MI) Physician’s Employment Agreement (temporary position) two days per week

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE PHYSICIAN’S EMPLOYMENT AGREEMENT WITH DR. LORI VAUGHAN EFFECTIVE MAY 1, 2017. SUPPORTED BY RANDALL R. HAATAJA. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Articles of Organization of KBIC Tobacco Company, LLC and Operating Agreement of KBIC Tobacco Company, LLC a Keweenaw Bay Indian Community Limited Liability Company

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE ARTICLES OF ORGANIZATION AND THE OPERATING AGREEMENT FOR THE KBIC TOBACCO COMPANY, LLC. SUPPORTED BY GARY F. LOONSFOOT, JR. FIVE IN FAVOR (Doreen G. Blaker, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Susan J. LaFernier, Michael F. LaFernier, Sr.), FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 2:40 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot
Administrative Specialist
AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – FEBRUARY 23, 2017 – 9:00 A.M.

A. Date: February 23, 2017

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call: ___ 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

E. Declaration of Quorum:

F. Approval of Agenda: February 23, 2017

G. For Your Information:
   1. Exemption of certain Indian Health Service Positions from the Federal Civilian Hiring Freeze
   2. Termination of Services of the KBIC Defined Benefit Plan (EMJAY #7007786-B1)

H. Old Business:
   1. Don Wren, Ojibwa Casinos General Manager – Casino Proposals (3)
   2. Francis J. LaPointe II, CFO – Permission to Liquidate Trust Assets
   3. Vice President Misegan – Superior National Bank & Trust Company Corporate Resolution
      KB-004-2017 Board of Directors Authority Amendment #1 (authorizing Francis J. LaPointe)
   4. Larry Denomie III, CEO – Baraga Casino Renovation Budget

I. New Business:
   1. Lori Sherman, Natural Resources Director/Gene Mensch, Fisheries and Wildlife Biologist –
      One Source Bid for a Research Vessel (Tier IV)
2. Cherie Dakota, OVW Team Lead for Niimigimiwang Office of Violence Against Women - Resolution KB-008-2017 Department of Justice FY2017 Coordinated Tribal Assistance Solicitation (CTAS)

3. Doreen Blaker, Treasurer – Donation Requests
   a) Kendra Sprekle for Keweenaw Bay Hockey Association Danny Ojala Memorial Squirt Invitational Hockey Tournament
   b) Matthew J. Beek II for “Yooper Bowl” Upper Peninsula’s Football All-Star Game

4. Larry Denomie III, CEO – Weekly Update

5. Carole LaPointe, Health Administrator – Resolution KB-009-2017 Substance Abuse and Mental Health Administration (SAMHSA) Project LAUNCH Cooperative Agreement Program

6. Bobby Escobar, Assistant Tribal Attorney –
   a) Sarah Maki, Assistant CEO - BIA Road Maintenance Annual Funding Agreement Award #A17AV00280
   b) Evelyn Ravindran, NRD Hatchery/Nursery Manager - Kleiman Pump and Well Drilling, Inc. Tier III Services Agreement for a Well Rehabilitation at Pump #3
   c) Carole LaPointe, Health Administrator – Multi Year Funding Agreement, Buyback, and Withhold Agreement between the Indian Health Service for the Secretary of the Department of Health and Human Services and KBIC October 1, 2016 – September 30, 2019

J. Closed Session:

   1. Bobby Escobar, Assistant Tribal Attorney/Carole LaPointe, Health Administrator –
      a) School Counselor’s Employment Agreement - Kimberly Hendrickson, MSW
      b) Physician’s Employment Agreement - Dr. Lori Vaughan

K. Adjournment: