

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
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2015 TRIBAL COUNCIL

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.

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JULY 2, 2015 – 9:00 A.M.**

APPROVED
9-3-15

- A. Date: July 2, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:05 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President (left at 11:30 a.m.)
Toni J. Minton, Secretary (arrived at 9:09 a.m.)
Susan J. LaFernier, Assistant Secretary
Doreen G. Blaker, Treasurer (left 10:06 - 10:31 a.m.)
Robert R.D. Curtis, Jr. (arrived at 9:11 a.m., left at 10:51 a.m.)
Eddy Edwards (arrived at 9:58 a.m.)
Randall R. Haataja (arrived at 9:08 a.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Don Messer, Jr. (left 10:50 – 11:06 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: July 2, 2015
- | | | |
|------------|-----------------|--|
| Deletions: | Closed Session- | 2. Jennifer Misegan, Vice President – Personnel Issue |
| Additions: | Closed Session- | 3. President Swartz – Personnel Issue |
| | Old Business- | 2. Michael LaFernier, Sr. – Community Questions/Concerns |
| | New Business- | 7. Jennifer Misegan, Vice President – |
| | | a) Ojibwa Holding Company |
| | | b) Housing Department |

Randall Haataja arrived at 9:08 a.m.

Toni Minton arrived at 9:09 a.m.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY DON MESSER, JR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Randall R. Haataja), THREE ABSENT (Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

G. For Your Information:

1. Council Meeting Minutes: 11/07/2014, 11/08/2014, 11/13/2014, 12/04/2014
2. GLIFWC Request to the Wisconsin Department of Natural Resources for an Environmental Impact Statement regarding a Concentrated Animal Feeding Operation in Bayfield County, Wisconsin (Badgerwood LLC Swine)

Robert R.D. Curtis, Jr. arrived at 9:11 a.m.

H. Old Business:

1. Don Messer, Jr., Interim General Manager Ojibwa Casinos - Coca-Cola Refreshments Credit Agreement –

Don had requested to remove this from today's agenda but there is information the Council needs to discuss regarding an exclusivity agreement with Pepsi that is in place. Don will work with Danielle Webb, Assistant Tribal Attorney, regarding this issue.

2. Michael LaFernier, Sr. – Community Questions/Concerns

Mike has been approached by community members regarding employee positions that have been moved and he feels the Council is unaware of these changes.

The CEO has been given the authority to oversee the employee issues and the CEO will be requested to give weekly updates.

I. New Business:

1. Peter Morin/Danielle Webb, Assistant Tribal Attorney – Morin Fireworks Business License Renewal

MOTION MADE BY DON MESSER, JR. TO APPROVE THE ANNUAL RENEWAL OF MORIN FIREWORKS BUSINESS LICENSE FOR PETER MORIN. CO-SUPPORTED BY RANDALL R. HAATAJA AND GARY F. LOONSFOOT, SR. 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, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

2. Holley Makela, Healing to Wellness Coordinator/Robin Chosa – Annual Recovery and Memorial Walk Donation Request August 22, 2015 at the Pow-wow Grounds

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE REQUEST FROM THE HEALING TO WELLNESS PROGRAM FOR THE ANNUAL RECOVERY AND MEMORIAL WALK IN THE AMOUNT OF \$3,000.00. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

3. Darian Decota/Clinton Back, Beartown Fire Fighters - Vehicle Bids (3) from their 528 Budget

2015 Fleet/Non-Retail Chevrolet Silverado 2500HD Diesel 4WD

MOTION MADE BY DON MESSER, JR. TO APPROVE THE BID FROM KISSEL CHEVROLET FOR THE PURCHASE OF A VEHICLE IN THE AMOUNT OF \$37,595.00 AND TO INCLUDE SALES TAX. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

4. President Swartz --

- a) Resolution KB-037-2015 Cancels Residential Lease No. K-172 (97) Joe and Carlota Beauprey and grants Charles S. Miller Residential Lease

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-037-2015 CHARLES S. MILLER RESIDENTIAL LEASE. SUPPORTED BY DON MESSER, JR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Susan J. LaFernier, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

- b) Resolution KB-038-2015 Rebecca M. Decker Recreational Lease

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-038-2015 REBECCA M. DECKER RECREATIONAL LEASE. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Susan J. LaFernier, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

- c) Dawn Alexander Request for Big Boat License Extension

MOTION MADE BY DOREEN G. BLAKER TO APPROVE A THIRTY-DAY BIG BOAT LICENSE EXTENSION FOR DAWN ALEXANDER. SUPPORTED BY DON MESSER, JR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

- d) Committee Selections

- i. Education Committee (3) KBIC Parent Seats – Three-year terms (4) applicants

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE GARY F. LOONSFOOT, JR., CHERYL BOGDA, AND SUZANNE KAHKONEN TO THE EDUCATION COMMITTEE. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFERNIER, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Gary F. Loonsfoot, Sr.), TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

- ii. Youth Committee (1) Seat – Two-year term (1) applicant

MOTION MADE BY TONI J. MINTON TO APPROVE CAROLE LAPOINTE TO THE YOUTH COMMITTEE. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

- 5. Susan LaFERNIER, Assistant Secretary – Schedule Government Employee Appeal of Dismissal Hearing Case #013-15

The hearing was scheduled for July 16, 2015 at 10:00 a.m.

- 6. Jennifer Misegan, Vice President

- a) The Rez Stop Blacktop Bids

There is an issue as to how the project was solicited for bids and it will have to be re-bid with specifications.

- b) Housing Department

The Council consensus was to develop a Tenant Committee for tenant issues.

c) Ojibwa Holding Company

The Ojibwa Holding Company is requesting a loan in order to pay the bills as they are having issues with vendors related to non-payment. The Holding Company does not have any cash to make the payments.

Robert R.D. Curtis, Jr. requested to go into Closed Session.

J. Closed Session:

1. Gregg Nominelli, Economic Developer - Joint Venture Business Proposal: Introduction of Business Developers via Video Conference
2. President Swartz – Personnel Issue

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 9:49 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Susan J. LaFernier, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Eddy Edwards arrived at 9:58 a.m.

Break: 10:06 – 10:13 a.m. (Doreen Blaker left)

Don Messer, Jr. returned from break at 10:17 a.m.

Doreen Blaker returned from break at 10:31 a.m.

Don Messer, Jr. left at 10:50 a.m.

Robert R.D. Curtis, Jr. left at 10:51 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 10:58 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Don Messer, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

Don Messer, Jr. returned at 11:06 a.m.

[New Business]

7. Gregg Nominelli, Economic Developer --
 - a) Ojibwa Energy Business Plan for Ojibwa Solar Review
 - b) Architectural Firm Research and Recommendations for Casino designs: He will contact DSWG Architects and the I-5 Design Firm

Ojibwa Holding Company –

MOTION MADE BY JENNIFER MISEGAN TO PROVIDE A \$200,000.00 LOAN FOR THE OJIBWA BP, THE REZ STOP, CARWASH AND LAUNDROMAT, BUILDING SUPPLY, OJIBWA BUILDERS, OJIBWA ROADS AND SCHEDULE A MEETING WITH THE CEO AND THE MANAGERS OF THOSE ENTITIES AS SOON AS FINANCIAL INFORMATION IS AVAILABLE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), TWO ABSENT (Robert R.D. Curtis, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

Recess: 11:30 a.m. – 1:03 p.m. (Jennifer Misegan left)

[Closed Session]

3. Government Employee Appeal of Dismissal Hearing Case #012-15

MOTION MADE BY DOREEN G. BLAKER TO GO INTO CLOSED SESSION AT 1:04 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, Doreen G. Blaker, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

Gary Loonsfoot, Sr. returned from recess at 1:07 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 1:44 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Doreen G. Blaker, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

Case #012-15 –

MOTION MADE BY EDDY EDWARDS TO UPHOLD THE POLICE COMMISSIONER'S DECISION IN CASE #012-15.

Motion died for lack of support.

MOTION MADE BY TONI J. MINTON TO OVERTURN THE POLICE COMMISSIONER'S DECISION IN CASE #012-15 AND GRANT BACK PAY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), TWO OPPOSED (Eddy Edwards, Don Messer, Jr.), ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

Don Messer, Jr. stated his opposition: He is opposed to granting back pay.

Eddy Edwards stated his opposition: He feels the Police Commissioner has final authority to dismiss.

Police Officer Training/Policies -

MOTION MADE BY GARY F. LOONSFOOT, SR. THAT THE JOB DESCRIPTION MATCH THE PERSONNEL POLICIES AND THE POLICE COMMISSIONER DEVELOP PROCEDURES FOR TRAINING OF NEW OFFICERS, WHAT FACILITIES THE OFFICERS NEED TO ATTEND, AND WHO PAYS FOR IT, AND IT MUST BE RECEIVED BACK TO THE COUNCIL WITHIN THIRTY DAYS. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 1:50 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Doreen G. Blaker, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Donald Shalifoe, Sr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JULY 2, 2015 – 9:00 A.M.

A. Date: July 2, 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: July 2, 2015

G. For Your Information:

1. Council Meeting Minutes: 11/07/2014, 11/08/2014, 11/13/2014, 12/04/2014
2. GLIFWC Request for Environmental Impact Statement regarding Concentrated Animal Feeding Operation in Bayfield County, Wisconsin

H. Old Business:

1. Don Messer, Jr., Interim General Manager Ojibwa Casinos - Coca-Cola Refreshments Credit Agreement

I. New Business:

1. Peter Morin/Danielle Webb, Assistant Tribal Attorney – Morin Fireworks Business License Renewal
2. Holley Makela, Healing to Wellness Coordinator – Annual Recovery and Memorial Walk Donation Request

3. Darian Decota/Clinton Back, Beartown Fire Fighters - Vehicle Bids (3)
4. President Swartz –
 - a) Resolution KB-037-2015 Charles S. Miller Residential Lease
 - b) Resolution KB-038-2015 Rebecca M. Decker Recreational Lease
 - c) Dawn Alexander Request for Big Boat License Extension
 - d) Committee Selections
 - i. Education Committee (3) KBIC Parent Seats – Three-year terms (4) applicants
 - ii. Youth Committee (1) Seat – Two-year term (1) applicant
5. Susan LaFernier, Assistant Secretary – Schedule Government Employee Appeal of Dismissal Hearing Case #013-15
6. Gregg Nominelli, Economic Developer –
 - a) Ojibwa Energy Business Plan
 - b) Architect & Engineering Firms

J. Closed Session:

1. Gregg Nominelli, Economic Developer - Joint Venture Business Proposal: Introduction of Business Developers via Video Conference – **10:00 a.m.**
2. Jennifer Misegan, Vice President – Personnel Issue
3. Government Employee Appeal of Dismissal Hearing Case #012-15 – **1:00 p.m.**

K. Adjournment: