

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

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 – SEPTEMBER 3, 2015 – 9:00 A.M.**

APPROVED
10-15-15

- A. Date: September 3, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Toni J. Minton, Secretary (left at 11:56 a.m.)
Susan J. LaFernier, Assistant Secretary
Eddy Edwards
Randall R. Haataja (left at 2:30 p.m.)
Michael F. LaFernier, Sr.
Don Messer, Jr.
Donald Shalifoe, Sr. (arrived at 9:17 a.m.)
- Absent: Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Gary F. Loonsfoot, Sr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 3, 2015

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), MOTION CARRIED.

G. For Your Information:

1. Bradley Dakota, Chief Judge, Letter regarding Inmate Housing Issues with the Baraga County Jail – a new agreement needs to be drafted with the Attorney and presented to Baraga County.

Donald Shalifoe, Sr. arrived at 9:17 a.m.

H. New Business:

1. Danielle Webb, Assistant Tribal Attorney –
 - a) Brandon Rickard, Attorney –
 - i. Provider Group Affiliation Agreement – Blue Care Network of Michigan, Inc. and BCN Service Company
 - ii. Provider Group Affiliation Agreement - Blue Cross Complete of Michigan
 - iii. Amendment to Provider Group Affiliation Agreement – BCN Advantage
 - iv. Overview/Addendum for Indian Health Care Providers – Model QHP

Brandon Rickard discussed the agreements and addendum. Council had questions and will discuss further with Carole LaPointe later in the day.

I. Old Business:

1. Rick Geroux - Jimaganish Wadokaged Liquor License Renewal Extension Request

Joseph O’Leary is working on the annual reports to submit to the Secretary of the Tribal Council, in accordance with the Non-Profit Corporation Ordinance, in order to obtain a Certificate of Good Standing. There are no issues with compliance.

MOTION MADE BY JENNIFER MISEGAN TO GRANT A THIRTY-DAY SHORT TERM LIQUOR LICENSE. SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

[New Business]

1. Danielle Webb, Assistant Tribal Attorney -
 - b) Bruce LaPointe, Director of Public Works Department –

- i. Rhinelander Well Drilling, Inc. Tier III Services Agreement for installation of a well and water system for a home in Bessemer, MI

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE TIER III SERVICES AGREEMENT WITH RHINELANDER WELL DRILLING, INC. SUPPORTED BY DON MESSER, JR. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Eddy Edwards is out of the room)

- ii. DP Construction, Inc. Tier III Services Agreement – L'Anse Gas Station (Rez Stop) for \$11,900.00

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE TIER III SERVICES AGREEMENT WITH DP CONSTRUCTION FOR THE REZ STOP CURBS AND SLAB. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

J. Approval of Meeting Minutes:

I. July 2, 2015

MOTION MADE BY TONI J. MINTON TO APPROVE THE JULY 2, 2015 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

2. July 16, 2015

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE JULY 16, 2015 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Eddy Edwards is out of the room)

3. July 18, 2015

MOTION MADE BY TONI J. MINTON TO APPROVE THE JULY 18, 2015 MEETING MINUTES. SUPPORTED BY RANDALL R. HAATAJA. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Don Messer, Jr.), THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

4. July 30, 2015

MOTION MADE BY TONI J. MINTON TO APPROVE THE JULY 30, 2015 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Don Messer, Jr.), THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

[Old Business]

2. Susan LaFernier/Jason Ayres/Sarah Maki – CARE: Solar Furnace Pilot/Test Project Funding for the week of October 1st. Instruction and Installation of (2) Solar Panels for (3) Homes

MOTION MADE BY JENNIFER MISEGAN TO APPROVE \$25,500.00 FOR THE BUDGET SUMMARY NUMBER THREE FOR THE SOLAR THERMAL AND ELECTRICITY PROJECT WITH THE FUNDS TO COME FROM THE INDIAN HOUSING BLOCK GRANT AND THE PRIORITY TO BE THE LOW INCOME SENIORS. SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

[New Business]

2. Carole LaPointe, Health Administrator –
 - a) Tribal Premium Sponsorship Program Policies and Procedures (September 2015)

The Keweenaw Bay Indian Community will purchase health insurance for Purchased Referred Care (PRC) Program eligible uninsured community members who are eligible for tax subsidies in the new Michigan Health Benefits Exchange (Market Place)

The Council will review the information and Carole will bring a revised policy and meet with the CFO on the costs.

- b) Wabanungoquay Alakayak, Interim Youth Programs Director (not present) – Resolution KB-041-2015 Methamphetamine and Suicide Prevention Initiative (MSPI) Indian Health Services Grant for 5 years and a year one budget up to \$150,000,00

MOTION MADE BY EDDY EDWARDS TO APPROVE RESOLUTION KB-041-2015 MSPI INDIAN HEALTH SERVICES GRANT. SUPPORTED BY DONALD SHALIFOE, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) Provider Group Agreements/Addendum –
 - i. Provider Group Affiliation Agreement – Blue Care Network of Michigan, Inc. and BCN Service Company
 - ii. Provider Group Affiliation Agreement - Blue Cross Complete of Michigan
 - iii. Amendment to Provider Group Affiliation Agreement – BCN Advantage
 - iv. Addendum for Indian Health Care Providers – Model QHP

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE THE THREE PROVIDER GROUP AFFILIATION AGREEMENTS AND THE MODEL QHP FOR FURTHER REVIEW. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- 3. Larry Denomie III, CEO – Direct Deposit of Payroll for Government and Enterprise. The personnel policies will also need to be revised. (Proposed Plan to enroll all employees)

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PROPOSED PLAN TO ENROLL ALL EMPLOYEES FOR DIRECT DEPOSITS. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- 4. Jason Ayres, Real Estate Officer –
 - a) Resolution KB-043-2015 Chocolay Township County of Marquette Trust Application Parcels A, B, C.

MOTION MADE BY EDDY EDWARDS TO APPROVE RESOLUTION KB-043-2015 CHOCOLAY TOWNSHIP TRUST APPLICATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) Lease No. 475-23-001701-05 Default – Option to acquire the lease hold interest from Superior National Bank for a mortgage foreclosure

The Council consensus was to take no action and allow the bank to move forward with their procedures.

K. Closed Session:

- 1. Larry Denomie III, CEO -
 - a) Jason Ayres, Real Estate Officer - Development Proposal
 - b) Casino Projects Discussion
 - c) Employee Reclassification Determination
- 2. Government Employee Appeal of Dismissal Hearing Case #014-15

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 11:15 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 11:16 – 11:27 a.m.

Lunch: 11:56 a.m. – 1:12 p.m. (Toni Minton left)

Randall Haataja left at 2:30 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 2:41 P.M. SUPPORTED BY DON MESSER, JR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Eddy Edwards, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Government Employee Appeal of Dismissal Hearing Case #014-15

MOTION MADE BY JENNIFER MISEGAN TO OVERTURN THE ASSISTANT CEO'S DECISION IN THE APPEAL OF DISMISSAL HEARING CASE #014-15 AND GRANT BACKPAY. SUPPORTED BY DON MESSER, JR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Eddy Edwards, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Casino Projects

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE MOVING FORWARD WITH GUNDLACH CHAMPION FOR MANAGEMENT SERVICES FOR THE BARAGA AND MARQUETTE CASINO PROJECTS FOR THE MASTER PLANNING AND PRELIMINARY DESIGNS OF THE CASINO AND HOTEL PROPERTIES. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Eddy Edwards, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Employee Reclassification – Director of Cultural Resources

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE EMPLOYEE RECLASSIFICATION FOR THE DIRECTOR OF CULTURAL RESOURCES AS PRESENTED. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Eddy Edwards, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 2:56 P.M. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Eddy Edwards, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – SEPTEMBER 3, 2015 – 9:00 A.M.

A. Date: September 3, 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: September 3, 2015

G. For Your Information:

1. Bradley Dakota, Chief Judge, Letter regarding Inmate Housing Issues

H. Approval of Meeting Minutes:

1. July 2, 2015
2. July 16, 2015
3. July 18, 2015
4. July 30, 2015

I. Old Business:

1. Susan LaFernier/Jason Ayres/Sarah Maki – CARE: Solar Furnace Pilot/Test Project Funding
2. Rick Geroux - Jimaganish Wadokaged Liquor License Renewal Extension Request

J. New Business:

1. Danielle Webb, Assistant Tribal Attorney –
 - a) Brandon Rickard, Attorney –
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 - iv. Addendum for Indian Health Care Providers – Model QHP
 - b) Bruce LaPointe, Director of Public Works Department –
 - i. Rhinelander Well Drilling, Inc. Tier III Services Agreement
 - ii. DP Construction, Inc. Tier III Services Agreement
2. Carole LaPointe, Health Administrator - Tribal Premium Sponsorship Program Policies and Procedures September 2015
3. Carole LaPointe, Health Administrator/Waba Alakayak, Interim Youth Programs Director – Resolution KB-041-2015 Methamphetamine Suicide Prevention Initiative (MSPI) Indian Health Services Grant
4. Larry Denomie III, CEO – Direct Deposit of Payroll
5. Jason Ayres, Real Estate Officer –
 - a) Resolution KB-043-2015 Chocolay Township Trust Application
 - b) Lease No. 475-23-001701-05 Default – Option

K. Closed Session:

1. Larry Denomie III, CEO -
 - a) Jason Ayres, Real Estate Officer - Development Proposal
 - b) Casino Projects Discussion
 - c) Employee Reclassification Determination
2. Government Employee Appeal of Dismissal Hearing Case #014-15 – **1:00 p.m.**

L. Adjournment: