

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 – OCTOBER 8, 2015 – 9:00 A.M.

APPROVED
11-9-15

- A. Date: October 8, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:00 a.m.
- C. Invocation: Lord's Prayer and prayers for Philomena Ekdahl
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President (left at 1:55 p.m.)
Toni J. Minton, Secretary (left at 12:00 p.m.)
Susan J. LaFernier, Assistant Secretary
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (arrived at 9:01 a.m., left at 2:32 p.m.)
Eddy Edwards (left at 12:00 p.m.)
Randall R. Haataja (arrived at 9:04 a.m.)
Michael F. LaFernier, Sr. (arrived at 9:03 a.m.)
Gary F. Loonsfoot, Sr.
Don Messer, Jr.
Donald Shalifoe, Sr. (arrived at 9:11 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 8, 2015
- | | | |
|------------|-----------------|--|
| Additions: | New Business- | 5. President Swartz – Benefit Dinner Donation Request |
| | | 6. Susan LaFernier, Assistant Secretary – Baraga Village Request for Letter of Support |
| | Closed Session- | 4. Larry Denomie III, CEO – Marquette Property Update |

Mike LaFernier, Sr. arrived at 9:03 a.m.

Randall Haataja arrived at 9:04 a.m.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY JENNIFER MISEGAN. 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.

G. For Your Information:

1. U.S. Environmental Protection Agency Region 5 Post-Award Monitoring Report for the On-Site Visit on June 24, 2015 for the Clean Water Act Section 106 Program (NRD)
2. U.S. Department of the Interior Bureau of Indian Affairs Quarterly Fee To Trust Report – 4th Quarter 2015

H. Approval of Meeting Minutes:

1. August 20, 2015

MOTION MADE BY EDDY EDWARDS TO APPROVE THE AUGUST 20, 2015 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, TWO ABSTAINING (Doreen G. Blaker, Robert R.D. Curtis, Jr.), ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

2. August 27, 2015

MOTION MADE BY TONI J. MINTON TO APPROVE THE AUGUST 27, 2015 MEETING MINUTES. SUPPORTED BY RANDALL R. HAATAJA. 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, TWO ABSTAINING (Robert R.D. Curtis, Jr., Eddy Edwards), ONE ABSENT (Donald Shalifoe, Sr.), MOTION CARRIED.

Donald Shalifoe, Sr. arrived at 9:11 a.m.

I. Recognize Scheduled Delegation/Individuals:

1. Steven Denomie (not present) - Visitor's Permit Hunting/Fishing/Trapping/Gathering Annual Renewal Request

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE REQUEST FROM STEVEN DENOMIE RELATED TO ON-RESERVATION HUNTING, FISHING, TRAPPING, GATHERING VISITOR'S PERMIT. SUPPORTED BY DON MESSER, JR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Darren Webb – Water/Waste Hookup Request for \$2,600.00

Federal money is available. Darren was instructed to see Bruce LaPointe to be placed on the Indian Health Service Sanitation Deficiency System (SDS) Project List and Priority.

3. Sandi Pittsley – Seniors Request to Host Michigan Indian Elder Association in April 2017

The Council consensus was to move forward with the planning of the MIEA meeting in 2017. Sandi will continue with the arrangements and she is considering October 2017.

J. Old Business:

1. Lori Sherman, Director of Natural Resources Department/Erin Johnston, LAMP Coordinator,/Karen Anderson, AIS Specialist – Aquatic Invasive Species (AIS) Adaptive Management Plan

MOTION MADE BY EDDY EDWARDS TO APPROVE THE AQUATIC INVASIVE SPECIES ADAPTIVE MANAGEMENT PLAN. SUPPORTED BY ROBERT R.D. CURTIS, JR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 9:42 – 9:54 a.m.

2. R.D. Curtis, Jr., KBICSAP - ATR/Purchase and Procurement Policy [Rescheduled]

K. New Business:

1. Debra Williamson, CAP Administrator – KBIC CAP Department Policy Burial Assistance (BA) and KBIC CAP Department Emergency Assistance (EA) - funding through the BIA

In the absence of other resources as a last resort, the Burial Assistance will apply. Payments are made directly to funeral home or third party vendors. Burial assistance pays up to \$2,500.00 for basic burial services which include preparation and embalming, the casket, and funeral home services. Transportation will be covered in limited circumstances.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE CAP DEPARTMENT BURIAL ASSISTANCE POLICY USING BUREAU OF INDIAN AFFAIRS FUNDS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Larry Denomie III, CEO will create a Task Force related to Burials. (Rodney Loonsfoot, Debi Williamson, Jennifer Misegan, Susan LaFernier, R.D. Curtis, Chris Swartz)

KBIC CAP Department Emergency Assistance (EA)

Emergency assistance is available to qualifying applicants in situations where a home or personal possessions are destroyed or damaged through forces beyond their control and in the absence of other immediate Federal, State, and local disaster resources. The maximum is \$1,000.00 per household.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE CAP DEPARTMENT EMERGENCY ASSISTANCE POLICY USING BUREAU OF INDIAN AFFAIRS FUNDS. CO-SUPPORTED BY SUSAN J. LAFERNIER AND DOREEN G. BLAKER. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Michael Schrader, Ojibwa Casinos General Manager – Advertising/Marketing [Rescheduled]
3. Larry Denomie III, CEO –
 - a) Employee Health Insurance Renewal Options (Consumers Mutual Insurance of Michigan and HRA) He presented four options. The Committee recommended no changes.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE HEALTH INSURANCE PLAN AS PRESENTED WITH NO CHANGES. SUPPORTED BY ROBERT R.D. CURTIS, JR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) Weekly Updates (Verbal Report)

Larry reported the negotiated guaranteed price for Tribal Members from LaCourt Bottled Gas for LP gas this year is \$1.20 per gallon. (November 1 through May 31). An agreement will be presented next week. It was \$1.80 last year.

There were issues regarding the free play at both casinos in October. The adjustments have been made.

4. Doreen Blaker, Treasurer – 1st Reading Proposed Ordinance 2015-03 Introduction of Medical Marijuana

Doreen introduced the proposed Ordinance 2015-03:

An ordinance of the Keweenaw Bay Indian Community enacted under the authority of the Constitution and By-Laws of the Keweenaw Bay Indian Community for the purpose of creating an exception to Tribal Code §3.1706 Controlled Substances and allowing a person to possess Medical Marijuana in compliance with the Michigan Medical Marihuana Act.

§3.1707 Medical Marijuana Exception. Any person who is a qualifying patient or a primary caregiver under the Michigan Medical Marihuana Act and possesses on his or her person a valid registry identification shall not be subject to arrest, prosecution or penalty for possession of marijuana if that possession is in compliance with the Michigan Medical Marihuana Act.

§3.1708 Unauthorized Sale of Medical Marijuana. No registered qualifying patient or registered primary caregiver may sell marijuana to someone who is not a registered qualifying patient with a valid registry identification card.

A conviction upon a violation of the provisions of this section shall constitute a conviction of a Class D misdemeanor and along with any other penalties for the sale of marijuana. In addition, the Tribal Police and the Tribal Prosecutor may work with state law enforcement officials to revoke the person's registry identification card.

President Swartz read the Legislative Process.

Break: 10:58 – 11:11 a.m. (Gary Loonsfoot, Sr. left)

A 2nd Reading (Public Hearing) is scheduled for November 7, 2015 following the Council meeting.

Members may provide signed written or verbal comments at this meeting to express their views on the subject.

5. President Swartz – Benefit Dinner Donation Request

A Benefit Dinner for Marc Pirkola and Teri Reasoner, who experienced a loss of their possessions due to a house fire, is scheduled on October 17, 2015 at the Eagle's in L'Anse.

MOTION MADE BY EDDY EDWARDS TO APPROVE A \$100.00 DONATION TO HELP THE FAMILY WHO LOST ALL OF THEIR POSSESSIONS IN A HOUSE FIRE. 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.), ONE OPPOSED (Donald Shalifoe, Sr.), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(The Casino will donate 2 hotel certificates for the basket raffle)

[Added to the Agenda]

Jeff Loman addressed the Council regarding a “Notification of Consultation and Coordination on EPA's guidance: EPA Policy on Consultation and Coordination with Indian Tribes: Draft Guidance for Discussing Tribal Treaty Rights.” He suggested the KBIC submit comments on this draft.

President Swartz is attending the consultation along with the Bad River Chairman to participate in the meeting with the EPA on the draft Tribal Treaty Rights Guidance document on October 14, 2015 in Madison, Wisconsin. He welcomed Jeff Loman to accompany him.

Gary Loonsfoot, Sr. returned from break at 11:19 a.m.

6. Susan LaFerner, Assistant Secretary – Baraga Village Request for Letter of Support

The Village of Baraga is requesting a letter of support to lower the speed limit on US41 to M-38. They are requesting the Michigan Department of Transportation to conduct study on the issue.

MOTION MADE BY EDDY EDWARDS TO PROVIDE A LETTER OF SUPPORT TO THE VILLAGE OF BARAGA. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

President Swartz suggested putting 45 mph speed signs through the reservation boundaries for the safety of our community, starting just before Irene’s Pizza and ending past Morin’s Fireworks.

MOTION MADE BY EDDY EDWARDS TO APPROVE LOWERING THE SPEED LIMIT TO 45 MPH THROUGH THE RESERVATION BOUNDARIES AS STATED AND DIRECT THE PUBLIC WORKS DEPARTMENT TO INSTALL THE SIGNS AND ALSO DIRECT THE TRIBAL POLICE TO ENFORCE IT. CO-SUPPORTED BY JENNIFER MISEGAN AND ROBERT R.D. CURTIS, JR. ALL IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

L. Closed Session:

1. Andrew Chosa, CEO Aanikoosing, Inc. – Aanikoosing/Ojibwa Express Convenience Corrective Action plan and Budget
2. Budget Reviews – [Open to KBIC Members]
3. Attorney Interview - Conference Call [Cancelled]
4. Larry Denomie III, CEO – Marquette Property Update

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 11:29 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Lunch: 12:00 – 1:10 p.m. (Toni Minton and Eddy Edwards left)

Break: 1:55 – 2:05 p.m. (Jennifer Misegan left)

MOTION MADE BY DON MESSER, JR. TO GO INTO OPEN SESSION AT 2:31 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Toni J. Minton, Eddy Edwards), MOTION CARRIED.

Robert R.D. Curtis, Jr. left at 2:32 p.m.

FY2016 Budget

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE FY2016 BUDGET AS PRESENTED. SUPPORTED BY DONALD SHALIFOE, SR. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.

Cuningham Group Agreement

MOTION MADE BY DON MESSER, JR. TO APPROVE THE CUNINGHAM GROUP PROPOSAL AND AGREEMENT IN THE AMOUNT OF \$9,900.00 FOR PROVIDING PROFESSIONAL SERVICES RELATED TO THE POTENTIAL MARQUETTE CASINO PROJECT AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Donald Shalifoe, Sr.), FOUR ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.

Aanikoosing Inc. Loan (additional) for the Ojibwa Express Convenience

MOTION MADE BY DOREEN G. BLAKER TO APPROVE \$84,250.00 TO BE ADDED TO THE AANIKOOSING INC. BRIDGE LOAN FOR THE OJIBWA EXPRESS CONVENIENCE. SUPPORTED BY DONALD SHALIFOE, SR. SIX IN FAVOR (Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFernier), FOUR ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY DONALD SHALIFOE, SR. TO ADJOURN AT 2:36 P.M. SUPPORTED BY DON MESSER, JR. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – OCTOBER 8, 2015 – 9:00 A.M.

A. Date: October 8, 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: October 8, 2015

G. For Your Information:

1. U.S. Environmental Protection Agency Region 5 Post-Award Monitoring Report for the On-Site Visit on June 24, 2015
2. U.S. Department of the Interior Bureau of Indian Affairs Quarterly Fee To Trust Report – 4th Quarter 2015

H. Approval of Meeting Minutes:

1. August 20, 2015
2. August 27, 2015

I. Recognize Scheduled Delegation/Individuals:

1. Steven Denomie - Visitor's Hunting/Fishing Card
2. Darren Webb – Water/Waste Hookup Request
3. Sandi Pittsley – Seniors Request to Host Michigan Indian Elder Association in April 2017

J. Old Business:

1. Lori Sherman, Director of Natural Resources Department/Erin Johnston, LAMP Coordinator./Karen Anderson, AIS Specialist – Aquatic Invasive Species (AIS) Adaptive Management Plan
2. R.D. Curtis, Jr., KBICSAP - ATR/Purchase and Procurement Policy

K. New Business:

1. Debra Williamson, CAP Administrator – BIA Burial Assistance and BIA Emergency Assistance Policies
2. Michael Schrader, Ojibwa Casinos General Manager – Advertising/Marketing
3. Larry Denomie III, CEO –
 - a) Health Insurance Renewal Options
 - b) Weekly Updates
4. Doreen Blaker, Treasurer – 1st Reading Proposed Ordinance 2015-03 Introduction of Medical Marijuana Statute

L. Closed Session:

1. Andrew Chosa, CEO Aanikoosing, Inc. – Aanikoosing/Ojibwa Express Convenience Corrective Action plan
2. Budget Reviews – [Open to KBIC Members]
3. Attorney Interview - **1:00 p.m.** (Conference Call)

M. Adjournment: