

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 – NOVEMBER 12, 2015 – 9:00 A.M.**

APPROVED
12-10-15

- A. Date: November 12, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord's Prayer and prayers for those in need of them
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Toni J. Minton, Secretary (left at 11:47 a.m.)
Susan J. LaFernier, Assistant Secretary
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (left at 3:40 p.m.)
Eddy Edwards (arrived at 9:18 a.m., left at 11:38 a.m.)
Randall R. Haataja (left at 2:44 p.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Don Messer, Jr. (left 1:45 – 3:12 p.m.)
Donald Shalifoe, Sr. (arrived at 9:12 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: November 12, 2015
- Addition: FY1- 1. Jennifer Misegan, Vice President – Operation Christmas Cards

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY TONI J. MINTON. 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.

Donald Shalifoe, Sr. arrived at 9:12 a.m.

G. For Your Information:

1. Jennifer Misegan, Vice President – Operation Christmas Cards to send to the Troops

The Tribe will be participating again this year in Operation Christmas Cards and sending cards to troops mainly to those who are wounded and in military hospitals around the world. Jennifer asked the Council to write a message on the cards to be sent and any others who would like to participate.

H. Recognize Scheduled Delegation/Individuals:

1. Sam Olbekson, Cuningham Group (not present)/Dan LeVeque (not present)/Larry Denomie III, CEO – Presentation of the Baraga and Marquette Casino Projects

Larry stated Sam Olbekson is moving forward with the changes in designs that were previously discussed. A telephone conference with Sam is scheduled for tomorrow.

The Council would like to review the project budget and financing options and requested Francis “Hosh” LaPointe, CFO, be present.

Eddy Edwards arrived at 9:18 a.m.

Jason Ayres, Real Estate Officer (added to the agenda) – The Realty Department Truck Purchase was approved prior from FY2015 funds

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE TRUCK PURCHASE FOR THE REALTY DEPARTMENT FROM FY2015 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.

Break: 9:31 – 9:39 a.m.

Francis “Hosh” LaPointe, CFO present.

The Council discussed interest rates and collateral to fund the new casino projects. \$34 million is available in trust accounts (excluding the Elder Trust Account) and can be used as collateral on a fifteen year loan.

The GMA study indicates that if nothing is done to renovate or rebuild the casinos the revenues will decrease. Their suggestion is a new casino with a three-star hotel in Baraga and a branded restaurant with a similar branded restaurant in Marquette and a full-service bar.

A proposal will be placed on the General Election ballot on December 12, 2015 for the membership to consider \$28 million for the Baraga casino project and \$12 million for the Marquette casino project.

Break: 10:22 – 10:35 a.m.

Eddy Edwards left at 11:38 a.m.

Lunch: 11:47 a.m. – 1:12 p.m. (Toni Minton left)

I. Closed Session:

1. Attorney Interview (1) – (conference call)
2. Enterprise Employee Appeal of Dismissal Hearing Case #016-15

MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 1:13 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Robert R.D. Curtis, Jr. returned from lunch at 1:25 p.m.

Gary F. Loonsfoot, Sr. returned from lunch at 1:32 p.m.

Don Messer, Jr. left at 1:45 p.m.

Randall Haataja left at 2:44 p.m.

Break: 3:02 – 3:09 p.m.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO OPEN SESSION AT 3:10 P.M. SUPPORTED BY DONALD SHALIFOE, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Eddy Edwards, Randall R. Haataja, Don Messer, Jr.), MOTION CARRIED.

J. Old Business:

1. Lori Sherman, Director of Natural Resources Department/Commercial Fishermen – Commercial Fishing Season Recommendation

The local fishermen were present and requested to decrease the November seasonal closure by 15 days to extend the fishing season. Gene Mensch, Fisheries and Wildlife Biologist, explained the purpose of the closure and that it is critical to the fish population. A discussion took place whether to have any open area for some degree of fishing in November.

Current seasonal closures are meant to offer a “temporal window of protection” to allow portions of spawning fish to safely move to spawning grounds, to ultimately recruit new eggs and fry into the population, and also and of equal importance offer a period of time for fish to recuperate from spawning.

The current seasonal closures and said recommendations have been put in place for many years because they are widely accepted and understood mechanisms to best manage the fishery.

Gene will meet with the fishermen and bring forward a recommendation for an amendment through the Legislative Process for the spring for a harvesting plan on short lived fish.

Don Messer, Jr. returned at 3:12 p.m.

Robert R.D. Curtis, Jr. left at 3:40 p.m.

2. Doreen Blaker, Treasurer – Baraga/Marquette 2% Worksheets [Rescheduled]

K. New Business:

1. Jason Ayres, Real Estate Officer –

- a) Resolution KB-054-2015 Floyd and Susie Crawford Acquisition (60 acres)
\$110,000.00 Osterman Avenue in Baraga

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-054-2015 FLOYD AND SUSIE CRAWFORD ACQUISITION. SUPPORTED BY DONALD SHALIFOE, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

- b) Resolution KB-055-2015 George “Pete” and Lillian VanStraten Acquisition
\$50,000.00 34 acres by the Indian Cemetery Road in L`Anse

MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-055-2015 GEORGE “PETE” AND LILLIAN VANSTRATEN ACQUISITION. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

- c) Resolution KB-059-2015 William K. Seppanen Recreational Lease

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-059-2015 WILLIAM K. SEPPANEN RECREATIONAL LEASE. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

2. Lori Sherman, Director of Natural Resources Department – Great Lakes Indian Fish and Wildlife Commission Memorandum Of Agreement to obtain services of the United States Geologic Survey through a Joint Funding Agreement - October 1, 2015 for stream gauges

GLIFWC will pay the amount of KBIC's contribution.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION MEMORANDUM OF AGREEMENT FOR THE JOINT FUNDING AGREEMENT WITH THE UNITED STATES GEOLOGIC SURVEY. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Lori Sherman, Director of Natural Resources Department requested to address the Council in Closed Session.

MOTION MADE BY DONALD SHALIFOE, SR. TO GO INTO CLOSED SESSION AT 3:51 P.M. AND OPEN TO KBIC MEMBERS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 3:56 P.M. SUPPORTED BY DONALD SHALIFOE, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Employee Random Drug Testing

MOTION MADE BY GARY F. LOONSFOOT, SR. TO ELIMINATE THE RANDOM DRUG TESTING AS OF TODAY. SUPPORTED BY DONALD SHALIFOE, SR. FIVE IN FAVOR (Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), TWO OPPOSED (Jennifer Misegan, Susan J. LaFernier), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Jennifer Misegan stated her opposition: She is opposed because there was no discussion.

Personnel Policy Amendment – Re-hire time period

MOTION MADE BY DONALD SHALIFOE, SR. TO REDUCE THE TIME PERIOD FOR RE-HIRING FOR THOSE WHO HAVE BEEN DISMISSED FOR POLICY VIOLATIONS FROM SIX MONTHS TO TWO MONTHS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Enterprise Employee Appeal of Dismissal Case #016-15

MOTION MADE BY GARY F. LOONSFOOT, SR. TO UPHOLD THE DECISION IN THE DISMISSAL HEARING CASE #016-15. SUPPORTED BY JENNIFER MISEGAN. THREE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Gary F. Loonsfoot, Sr.), ONE OPPOSED (Donald Shalifoe, Sr.), THREE ABSTAINING (Doreen G. Blaker, Michael F. LaFernier, Sr., Don Messer, Jr.), FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Donald Shalifoe, Sr. stated his opposition: He doesn't like to see a tribal member lose their job.

3. Larry Denomie III, CEO – Resolution KB-056-2015 Ballot Proposals for the Baraga and Marquette Casino Projects

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 4:29 P.M
Motion died for lack of support.

Proposal 1

Do you support a new casino development project in Baraga at the current casino site with an estimated cost of \$28 million?

Proposal 2

Do you support a casino development project in Marquette at the current casino site with an estimated cost of \$12 million?

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-056-2015 BALLOT PROPOSALS FOR THE BARAGA AND MARQUETTE CASINO PROJECTS PENDING THE FINAL DRAFT OF THE BALLOT WORDING. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 4:35 P.M. SUPPORTED BY DONALD SHALIFOE, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – NOVEMBER 12, 2015 – 9:00 A.M.

A. Date: November 12, 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: November 12, 2015

G. Recognize Scheduled Delegation/Individuals:

1. Sam Olbekson, Cuningham Group/Dan Leveque – Presentation of the Baraga and Marquette Casino Projects – **9:00 a.m.**

H. Old Business:

1. Doreen Blaker, Treasurer – Baraga/Marquette 2% Worksheets
2. Lori Sherman, Director of Natural Resources Department/Commercial Fishermen – Commercial Fishing Season Recommendation – **3:00 p.m.**

I. New Business:

1. Jason Ayres, Real Estate Officer –
 - a) Resolution KB-054-2015 Floyd and Susie Crawford Acquisition
 - b) Resolution KB-055-2015 George "Pete" and Lillian VanStraten Acquisition
 - c) Resolution KB-059-2015 William K. Seppanen Recreational Lease

2. Larry Denomie III, CEO – Resolution KB-056-2015 Ballot Proposals for the Baraga and Marquette Casino Projects
3. Lori Sherman, Director of Natural Resources Department – Great Lakes Indian Fish and Wildlife Commission Memorandum Of Agreement to obtain services of the United States Geologic Survey through a Joint Funding Agreement

J. Closed Session:

1. Attorney Interview (1) – **1:00 p.m.** (conference call)
2. Enterprise Employee Appeal of Dismissal Hearing Case #016-15 – **1:30 p.m.**

K. Adjournment: