

KEWEENAW BAY INDIAN COMMUNITY

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

2016 TRIBAL COUNCIL

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
EDDY EDWARDS
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, SR.
DONALD SHALIFOE, SR.

MINUTES KEWEENAW BAY INDIAN COMMUNITY SPECIAL COUNCIL MEETING OJIBWA CASINO RESORT CONFERENCE ROOM THURSDAY – JUNE 16, 2016 – 9:00 A.M.

APPROVED
6-23-16

- A. Date: June 16, 2016
- B. Call to Order: President Swartz called the meeting to order at 9:04 a.m.
- C. Invocation: Ojibwa Prayer by Donald Shalifoe, Sr./Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left 1:05 – 2:02 p.m.)
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:19 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (arrived at 9:07 a.m., left at 12:19 p.m.)
Fred Dakota (left at 10:39 a.m.)
Eddy Edwards (arrived at 10:17 a.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr. (left at 12:09 p.m.)
Donald Shalifoe, Sr.
Absent: Randall R. Haataja
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

Robert R.D. Curtis, Jr. arrived at 9:07 a.m.

F. Approval of Agenda: June 16, 2016

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|------------|---------------|--|
| Deletion: | New Business- | 3. Charles Miller, SORNA Coordinator/Duane Misegan, Chief of Police – New Uses for the Department of Justice Tribal Access Program (TAP) Workstation |
| Additions: | FYI- | 2. BIA Review from Diane K. Rosen Declining Approval of Medical Marijuana Ordinance 2015-03 |
| | New Business- | 6. Doreen Blaker, Treasurer – Donation Request |
| | | 7. Robert R.D. Curtis, Jr. – July 5 th Holiday Request |

- 8. Jennifer Misegan, Vice President – 3rd Reading Proposed Ordinance 2016-04 Amend Sections 4.2 and 4.3 of the Traffic Code
- Closed Session-
- 1. Larry Denomie III, CEO – d) Casino Development Projects Update
 - 2. Gary Loonsfoot, Jr., Director of Cultural Resources – Language Instructor Employment Agreement Amendment

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

G. For Your Information:

- 1. SNB KBIC Guaranteed Loan Program Funds – (2) Default Notifications
- 2. BIA Review from Diane K. Rosen, Regional Director, Declining Approval of Medical Marijuana Ordinance 2015-03 adopted by Resolution No. KB-062-2014 enacted April 1, 2016. *The Secretary of Interior is without authority to approve tribal ordinances that violate federal law.*

H. Approval of Meeting Minutes:

- 1. June 4, 2016

MOTION MADE BY TONI J. MINTON TO APPROVE THE JUNE 4, 2016 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), OPPOSED - 0, ONE ABSTAINING (Donald Shalifoe, Sr.), TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

- 2. June 9, 2016

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE JUNE 9, 2016 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

I. New Business:

- 1. Matt Eliason, Eliason Law Office –
 - a) Ed Janisse, Eagle Radio Manager – Detroit Lions Radio Network Affiliation Agreement 2016-2018 Football Seasons with Detroit Radio, LLC WJR-AM - The

term will commence on April 22, 2016 and continue until the conclusion of the 2018-2019 NFL Season.

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE RADIO NETWORK AFFILIATION AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE DETROIT RADIO, LLC FOR THE 2016-2018 FOOTBALL SEASONS. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

b) Christopher Schofield, Slot Manager –

- i. Advertising, Inc. Services Agreement - December 2, 2015 – December 2, 2016 \$5,500/month for the Baraga and Marquette Casinos

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE CONSULTANT SERVICES AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND ADVERTISING, INC. FOR CASINO MARKETING OPERATIONS. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

- ii. IGT Systems General Terms and Conditions Agreement for a one (1) year term effective date of December 29, 2015
- iii. Sales Order and Tournament Manager System #991496 for 8 Machines at Ojibwa Casino I (Baraga)
- iv. Financing and Security Agreement with IGT

The total finance amount for the equipment is \$141,404.96 and the Tournament Manager System fees are \$57,207.00.

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE THE IGT SYSTEMS GENERAL TERMS AND CONDITIONS AGREEMENT, SALES ORDER FOR EIGHT GAMES AT OJIBWA CASINO I, AND FINANCING AND SECURITY AGREEMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Jennifer Misegan stated her opposition: She would have liked to have seen more information on how much was made on the last tournament event.

2. Bruce LaPointe, Director of Public Works - ALK Contracting, Inc. Tier III Services Agreement for Air Conditioning Installation for Weight Room at the OCC/Youth Center

June 24, 2016 – July 31, 2016 \$17,300.00

MOTION MADE BY TONI J. MINTON TO APPROVE THE TIER III SERVICES AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND ALK CONTRACTING, INC. SUPPORTED BY DONALD SHALIFOE, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Bruce announced that more speed signs are going up and the new ones will be equipped with messages and have been ordered. The Council has ordered the section of US-41, which runs through Baraga, be set at a speed of 45 mph for the safety of our community. The jurisdiction is with the Tribe.

Break: 9:51 – 10:03 a.m.

3. President Swartz – Schedule Gaming Commissioner Interview (1) applicant for a 3-year term

Suzanne L. Jondreau held the previous position on the Gaming Commission. She re-applied for the vacancy and was the only applicant.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPOINT SUZANNE JONDREAU TO THE GAMING COMMISSION FOR ANOTHER THREE-YEAR TERM. SUPPORTED BY DONALD SHALIFOE, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

4. Jennifer Misegan, Vice President – Donation Request (Benefit Spaghetti Dinner)

Emily Dishaw tragically passed away on June 2, 2016 from heart complications, leaving behind two young children and a loving fiancé. All proceeds will go to Emily's family who live in Negaunee, Michigan. The benefit will be held on July 5, 2016 from 5:00 to 8:00 p.m. at the Negaunee High School Cafeteria.

MOTION MADE BY TONI J. MINTON TO APPROVE A \$100.00 DONATION AND A GIFT BASKET TO THE SPAGHETTI DINNER AND SILENT AUCTION BENEFIT FOR THE FAMILY OF EMILY DISHAW. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

5. Larry Denomie III, CEO – Weekly Update

The Ojibwa Casinos General Manager, Michael Schrader, resigned and his last day was Tuesday, June 14, 2016. Don Messer, Baraga Casino and Sharon Misegan, Marquette Casino are the Interim Managers until a new General Manager is hired.

In regards to the culvert issue that was installed with funds from our Natural Resources Department, the Tribe was overfunded and is required to return approximately \$10,000.00.

Larry, Jennifer Misegan, and the Burial Task Force met regarding Life Insurance for all Tribal members and an M-3 Agent will be presenting the information to the Council next week.

6. Doreen Blaker, Treasurer – Donation Request from Grayson Roe for travel expenses to attend the 2016 Association of American Indian Physicians National Native American Youth Initiative – Washington D.C. July 2 – 10, 2016

All participants will receive a scholarship to cover travel, housing, and most meals but the program sponsoring the event encourages each attendant to bring spending money for laundry, snacks, souvenirs, and enough for three meals.

MOTION MADE BY DONALD SHALIFOE, SR. TO DONATE \$600.00 TO GRAYSON ROE FOR TRAVEL EXPENSES TO ATTEND THE 2016 ASSOCIATION OF AMERICAN INDIAN PHYSICIANS NATIONAL NATIVE AMERICAN YOUTH INITIATIVE HELD IN WASHINGTON D.C. SUPPORTED BY ROBERT R.D. CURTIS, JR. THREE IN FAVOR (Doreen G. Blaker, Robert R.D. Curtis, Jr., Donald Shalifoe, Sr.), FIVE OPPOSED (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Sr.), ONE ABSTAINING (Michael F. LaFernier, Sr.), TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION DEFEATED.

MOTION MADE BY TONI J. MINTON TO APPROVE A \$200.00 DONATION TO GRAYSON ROE FOR TRAVEL EXPENSES TO ATTEND THE 2016 ASSOCIATION OF AMERICAN INDIAN PHYSICIANS NATIONAL NATIVE AMERICAN YOUTH INITIATIVE HELD IN WASHINGTON D.C. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

7. Robert R.D. Curtis, Jr. – July 5th Holiday Request

July 5, 2016 as a paid Holiday – (for all employees)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE JULY 5TH AS A PAID HOLIDAY. SUPPORTED BY DONALD SHALIFOE, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Randall R. Haataja), MOTION CARRIED.

Jennifer Misegan stated her opposition: She is opposed because the employees have already been notified that July 5th was not a Holiday.

Susan LaFernier stated: If we want to have these additional Holidays every year then the policy should be revised.

Eddy Edwards arrived at 10:17 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:18 A.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Randall R. Haataja), MOTION CARRIED.

Fred Dakota left at 10:39 a.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 11:06 A.M. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Randall R. Haataja), MOTION CARRIED.

2nd Reading Proposed Ordinance 2016-04 Amend Sections 4.2 Manual and Specifications for Traffic Control Devices (delete: the provisions of State Law or) and 4.3 Limit to Authority (delete language) of the Traffic Code

[See Legislative File]

President Swartz read the Legislative Process and Public Hearing Procedures.

President Swartz opened for written and verbal comments.

Eddy Edwards, representing himself, stated he is in support of the ordinance. He personally has seen accidents down there and witnessed children crossing the street and running in that area. He also feels we are exercising our sovereignty.

Larry Denomie III, representing himself, stated he is in support of the ordinance. He had a sister who was hit not once, but twice, and he lost his sister on the highway. He would like to see the traffic slow down there.

Susan LaFernier, representing herself, stated she feels the 45 mph speed limit should be in all of Baraga County.

No written comments were received.

President Swartz concluded the 2nd Reading at 11:13 a.m.

8. Jennifer Misegan, Vice President – 3rd Reading Proposed Ordinance 2016-04 Amend Sections 4.2 Manual and Specifications for Traffic Control Devices and 4.3 Limit to Authority (delete language) of the Traffic Code

[See Legislative File]

President Swartz read the Legislative Process and there were no amendments to the proposed ordinance.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE PROPOSED ORDINANCE 2016-04 TO AMEND SECTIONS 4.2 MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES AND 4.3 LIMIT TO AUTHORITY (DELETE LANGUAGE) OF THE TRAFFIC CODE. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Randall R. Haataja), MOTION CARRIED.

President Swartz concluded the 3rd Reading of Ordinance 2016-04 amending Sections 4.2. and 4.3 of the Traffic Code and thanked the Council for their work.

J. Closed Session:

1. Gary Loonsfoot, Jr., Director of Cultural Resources – Language Instructor Employment Agreement Amendment
2. Larry Denomie III, CEO –
 - a) Tribal Social Services Update
 - b) Bingo Employee Transfers
 - c) Ojibwa Casinos General Manager Applicants Review
 - d) Casino Development Projects Update [Open to KBIC Members]

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO GO INTO CLOSED SESSION AT 11:18 A.M. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Gary Loonsfoot, Sr. left at 12:09 p.m.

Lunch: 12:19 – 1:15 p.m. (Toni Minton and Robert R.D. Curtis, Jr. left)

President Swartz left 1:05 – 2:02 p.m.

Michael LaFernier, Sr. returned from lunch at 1:16 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 2:24 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Eddy Edwards, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 2:26 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Eddy Edwards, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, 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 – JUNE 16, 2016 – 9:00 A.M.

A. Date: June 16, 2016

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
- ___ Eddy Edwards
- ___ Randall R. Haataja
- ___ Michael F. LaFernier, Sr.
- ___ Gary F. Loonsfoot, Sr.
- ___ Donald Shalifoe, Sr.

E. Declaration of Quorum:

F. Approval of Agenda: June 16, 2016

G. For Your Information:

1. SNB KBIC Guaranteed Loan Program Funds

H. Approval of Meeting Minutes:

1. June 4, 2016
2. June 9, 2016

I. New Business:

1. Matt Eliason, Eliason Law Office –
 - a) Ed Janisse, Eagle Radio Manager – Detroit Lions Radio Network Affiliation Agreement
 - b) Michael Schrader, Ojibwa Casinos General Manager –
 - i. Advertising, Inc. Services Agreement
 - ii. IGT Systems General Terms and Conditions Agreement

- iii. Sales Order #991496 for 8 Machines
- iv. Financing and Security Agreement
2. Bruce LaPointe, Director of Public Works - ALK Contracting, Inc. Tier III Services Agreement for Air Conditioning Installation for Weight Room at the OCC/Youth Center
3. Charles Miller, SORNA Coordinator/Duane Misegan, Chief of Police - New Uses for the Department of Justice Tribal Access Program (TAP) Workstation
4. President Swartz – Schedule Gaming Commissioner Interview (1) applicant
5. Jennifer Misegan, Vice President – Donation Request (Benefit Dinner)
6. Larry Denomie III, CEO – Weekly Update

J. Closed Session:

1. Larry Denomie III, CEO –
 - a) Tribal Social Services Update
 - b) Bingo Employee Transfers
 - c) Ojibwa Casinos General Manager Applicants Review

K. Adjournment:

2nd Reading Proposed Ordinance 2016-04 Amend Sections 4.2 & 4.3 of the Traffic Code – 11:00 a.m.