

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
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ROBERT "R.D." CURTIS, JR.
FRED DAKOTA
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, JR.
RODNEY LOONSFOOT
ELIZABETH D. MAYO

2018 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
JENNIFER MISEGAN, Vice President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
DOREEN G. BLAKER, Treasurer

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – FEBRUARY 8, 2018 – 9:00 A.M.

APPROVED

MAR 15 2018

KBIC PRESIDENT'S OFFICE

SIGNATURE: 

- A. Date: February 8, 2018
- B. Call to Order: Vice President Misegan called the meeting to order at 9:06 a.m.
- C. Invocation: Prayer by Jennifer Misegan, Vice President
- D. Roll Call: Present: Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:03 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota (left at 10:50 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr. (left at 12:03 p.m.)
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo (left at 10:15 a.m.)
Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice President Misegan declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: February 8, 2018
- Additions: Closed Session-
2. Danielle Webb, Tribal Attorney – b) Darrell Kingbird
Language Instructor Employment Agreement
 3. Larry Denomie III, CEO – a) Health Administrator Wage
b) Business Opportunity

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

G. For Your Information:

1. Enrollment Board Resolution EB-2018-01 approved February 2, 2018 Definition of Who is Eligible to be a Descendant of a Member (for review)

H. Recognize Scheduled Delegation/Individuals:

1. Doug Stevens, Ph.D., Director of the Native Environmental Health Research Network at Salish Kootenai College/Andrew T. Kozich, Ph.D., KBOCC Environmental Science Department Chair – Testing for Contaminants in Fish and Humans Project Proposal

The Natural Resources Department completed a comprehensive fish consumption survey. There is also data available with GLIFWC and the DNR. Different bodies of water have different guidelines of consumption depending on the levels of mercury in the fish.

Doug is a toxicologist and is interested in finding two students to work with him in his lab located in Montana for ten weeks this summer. A committee will be formalized to review students who are interested in this field of study. Once a committee is established they will provide any input the Council may request.

2. William “Bill” Jondreau/Gary Loonsfoot, Sr. – Holy Name of Jesus Parish Council Land Swap Offer

Nick Lindemann/Jason Ayres, Real Estate Officer present.

The Zeba property and Blessed Kateri Church is owned by the church and was valued at \$100,000.00 ten years ago. They are willing to give the Tribe first opportunity to buy the property or they are also interested in a land swap with the Assinins property adjacent to the church in Baraga.

Jennifer Misegan requested Bill to bring a written proposal with acreage and dollar values.

Elizabeth Mayo would like the history of KBIC (members) regarding the old orphanage which the Tribe owns.

Toni Minton asked if they would consider donating the church in Zeba to the Tribe.

I. Approval of Meeting Minutes:

1. January 6, 2018

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE JANUARY 6, 2018 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Break: 9:56 – 10:05 a.m.

J. Old Business:

1. Doreen Blaker, KBIC Housing Department Director –
 - a) Useful Life and Binding Commitment Affordability Policy (is to ensure availability of affordable housing units and housing related programs for qualified Tribal members) [Review with changes]

Elizabeth Mayo left at 10:15 a.m.

- b) Emergency Assistance Policy (emergency assistance for privately owned homes of KBIC members) [Review with changes]
2. Rodney Loonsfoot – Waiver of Nepotism Request for Tyler Rasanen who applied for an on-call Facility Attendant position and whose mother was recently hired as the Director of the Youth and Facilities Department.

The policy for hiring has a nepotism clause which reads:

No individual shall have direct supervisory authority over any member of his/her immediate family. The Tribal Council can waive, by motion, the nepotism clause in unusual circumstances.

It was stated that Directors should request a formal waiver from the CEO.

Tyler is a KBIC Member and a Veteran of the U.S. Marine Corps who has just finished his tour in December 2017 and is seeking employment.

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE A WAIVER OF NEPOTISM FOR TYLER RASANEN FOR THE FACILITY ATTENDANT ON-CALL POSITION AT THE YOUTH AND FITNESS PROGRAMS CENTER. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo), MOTION CARRIED.

3. Larry Denomie III, CEO/Julie Raby, Payroll Supervisor – 7.3 Closures of Governmental Offices Policy [Review]

Fred Dakota left at 10:50 a.m.

Break: 11:13 – 11:21 a.m.

K. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –

- a) Resolution KB-005-2018 The Re-Affirmation Official Flag and Insignia/Letter

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE RESOLUTION KB-005-2018 TRADEMARK REGISTRATION OF TRIBAL FLAG AND INSIGNIA. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ONE ABSTAINING (Randall R. Haataja), THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

- b) Lori Sherman, Natural Resources Director – Mary Hindelang, Ph.D., Ecology and Education Consultant Tier III Services Agreement to provide a Terrestrial Invasive Species Management Plan February 1, 2018 – June 30, 2018 \$17,000.00

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SERVICES AGREEMENT TIER III WITH MARY HINDELANG, Ph.D., TO PROVIDE A TERRESTRIAL INVASIVE SPECIES MANAGEMENT PLAN. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

- c) Lori Sherman, Natural Resources Director/Justin Woodruff, Environmental Specialist - Windsor Solutions, Inc. Tier III Services Agreement (This is for the second phase of the environment management database development for NRD) February 26, 2018 – September 30, 2018 \$79,907.00

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE TIER III SERVICES AGREEMENT WITH WINDSOR SOLUTIONS, INC. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

2. Lori Sherman, Natural Resources Director – Northwest Marine Technology, Inc. Purchase Request Approval \$13,300.00 Quality Control Device (for the coded wire tag injector)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE NORTHWEST MARINE TECHNOLOGY, INC. BID FOR THE DIVERTER GATE AND TRANSFER CASE IN THE AMOUNT OF \$13,300.00. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

3. Sarah Smith, Assistant CEO (not present)/Jeanne Hirzel, Substance Abuse Programs Director – Consultation Services with Grand River Anishinaabeg Community, LLC for the (new) Halfway House Project \$100,000.00

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE GRAND RIVER ANISHINAABEG COMMUNITY, LLC BID OF \$100,000.00 FOR CONSULTATION SERVICES AT THE NEW HALFWAY HOUSE. SUPPORTED BY DOREEN G. BLAKER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

4. Rodney Loonsfoot - Violence in the Workplace Draft Policy

Jennifer Misegan pointed out that we currently have a policy that addresses violence in the workplace in Section 18.0 Employee Conduct and Corrective Action/18.2 D. of the Employee handbook.

The Council consensus was to take no action as the issue is addressed in the current policy.

Rodney would like to address “unprofessionalism” against fellow Council Members.

A Code of Ethics is needed before you can act against an elected official.

5. Duane Misegan, Chief of Police/Dale Dakota, Police Commissioner – 2018 Dodge Charger Police Vehicle Bids (3) - (from CTAS Grant funds)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE BID FROM NORTHERN AUTO FOR THREE 2018 DODGE CHARGER POLICE VEHICLES AT \$25,975.00 PER UNIT FOR A TOTAL OF \$77,975.00. SUPPORTED BY RODNEY LOONSFOOT. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

6. Larry Denomie III, CEO – Weekly Update

Larry and Danielle Webb, Tribal Attorney, will be meeting with Duane Misegan, Chief of Police and Dale Dakota, Police Commissioner, to assist their department in preparing for a follow-up review coming up related to an assessment audit by the BIA in 2013.

Work continues on the PRC guidelines review for the Health Department and a decision needs to be made by the Council regarding the eligibility of services and who can receive them.

Work continues with the tobacco manufacturing.

A HUD Monitoring Report Response (KBIC Housing Department) identified policies that need to be finalized and developed. HUD would like the policies by April 9th.

Work continues with the casino projects.

Larry met with Kathy Mayo, Interim Health Administrator, to develop a plan to assist her with job duties. A report was requested on the Pharmacy revenues/expenditures.

7. Danielle Webb, Tribal Attorney/Jason Ayres, Real Estate Officer - Case 227089 Amendment Two; Phase 2 to the Michigan Economic Development Corporation (MEDC) Grant for an extension of time and additional funds for the construction project of the non-motorized trail that will run from Sandpoint Lighthouse to the Baraga Marina \$677,192.50 (after increase of funding)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AMENDMENT TWO TO THE MEDC GRANT FOR PHASE 2. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

L. Closed Session:

1. Gaming Commissioner Interview
2. Danielle Webb, Tribal Attorney –
 - a) Update
 - b) Darrell Kingbird Language Instructor Employment Agreement
3. Larry Denomie III, CEO –
 - a) Health Administrator Wage
 - b) Business Opportunity

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 12:02 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

Lunch: 12:03 – 1:08 p.m. (Toni Minton and Mike LaFernier, Sr. left)

MOTION MADE BY RANDALL R. HAATAJA TO GO INTO OPEN SESSION AT 2:22 P.M. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Gaming Commissioner Position Offer

MOTION MADE BY RODNEY LOONSFOOT TO OFFER THE GAMING COMMISSIONER POSITION TO WILLIAM SEPPANEN. SUPPORTED BY GARY F. LOONSFOOT, JR. SIX IN FAVOR (Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Darrell Kingbird Resignation of Language Instructor Employment Agreement

MOTION MADE BY SUSAN J. LAFERNIER TO ACCEPT DARRELL KINGBIRD'S RESIGNATION AND ACKNOWLEDGE THAT HE HAS ABANDONED HIS POSITION AND IS NOT PROVIDING SERVICES AS OF JANUARY 30, 2018. SUPPORTED BY RANDALL R. HAATAJA. TWO IN FAVOR (Susan J. LaFerner, Randall R. Haataja), ONE OPPOSED (Rodney Loonsfoot), THREE ABSTAINING (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr.), FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO ADJOURN AT 2:30 P.M. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – FEBRUARY 8, 2018 – 9:00 A.M.

A. Date: February 8, 2018

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
- ___ Randall R. Haataja
- ___ Michael F. LaFernier, Sr.
- ___ Gary F. Loonsfoot, Jr.
- ___ Rodney Loonsfoot
- ___ Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: February 8, 2018

G. For Your Information:

1. Enrollment Board Resolution EB-2018-01 Definition of Who is Eligible to be a Descendant of a Member

H. Recognize Scheduled Delegation/Individuals:

1. Doug Stevens, Ph.D., Director of the Native Environmental Health Research Network at Salish Kootenai College/Andrew T. Kozich, Ph.D., KBOCC Environmental Science Department Chair – Testing for Contaminants in Fish and Humans Project Proposal
2. William "Bill" Jondreau/Gary Loonsfoot, Sr./Jason Ayres – Parish Council Land Swap Offer

I. Approval of Meeting Minutes:

1. January 6, 2018

J. Old Business:

1. Doreen Blaker, KBIC Housing Department Director –
 - a) Useful Life and Binding Policy (Commitment of Affordability for Housing Units)
 - b) Emergency Assistance Policy (Homeowner Emergency Repair)
2. Rodney Loonsfoot – Waiver of Nepotism Request
3. Larry Denomie III, CEO – Closure Policy

K. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
 - a) Resolution KB-005-2018 Trademark Registration of Tribal Flag and Insignia
 - b) Lori Sherman, Natural Resources Director – Mary Hindelang, Ph.D., Ecology and Education Consultant Tier III Services Agreement to provide a Terrestrial Invasive Species Management Plan
 - c) Lori Sherman, Natural Resources Director/Justin Woodruff, Environmental Specialist - Tier III Services Agreement with Windsor Solutions, Inc. (This is for the second phase of the database development for NRD)
2. Lori Sherman, Natural Resources Director – Northwest Marine Technology, Inc. Purchase Request Approval
3. Sarah Smith, Assistant CEO/Jeanne Hirzel, Substance Abuse Programs Director – Consultation Services with Grand River Anishinaabeg Community, LLC for the Halfway House Project
4. Duane Misegan, Chief of Police – 2018 Dodge Charger Bids (3)
5. Rodney Loonsfoot - Violence in the Workplace Draft Policy
6. Larry Denomie III, CEO – Weekly Update
7. Danielle Webb, Tribal Attorney/Jason Ayres, Real Estate Officer - Case 227089 Amendment Two; Phase 2 to the Michigan Economic Development Corporation Grant for an extension of time and additional funds for the construction project of the non-motorized trail that will run from Sandpoint Lighthouse to the Baraga Marina

L. Closed Session:

1. Gaming Commissioner Interview – **1:00 p.m.**
2. Danielle Webb, Tribal Attorney - Update

M. Adjournment: