

KEWEENAW BAY INDIAN COMMUNITY

2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
ELIZABETH D. MAYO, Vice-President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
JENNIFER MISEGAN, Treasurer

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

ROBERT R.D. CURTIS, JR.
FRED DAKOTA
JEAN JOKINEN
MICHAEL F. LAFERNIER, SR.
CAROLE L. LAPOINTE
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JULY 11, 2013 – 9:00 A.M.**

APPROVED

2-27-15

- A. Date: July 11, 2013
- B. Call to Order: President Swartz called the meeting to order at 9:05 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFernier, Secretary (arrived at 9:06 a.m.)
Toni J. Minton, Assistant Secretary
Fred Dakota
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe (arrived at 10:57 a.m.)
Elizabeth "Chiz" Matthews
Don Messer, Jr.
Absent: Elizabeth D. Mayo, Vice President
Jennifer Misegan, Treasurer
Robert R.D. Curtis, Jr.

Susan LaFernier arrived at 9:06 a.m.

- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: July 11, 2013

Deletions: Old Business- 1. Larry Denomie III, CEO – Draft Social Media Policy Review
New Business- 9. Larry Denomie III, CEO – Weekly Update

MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE DELETIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

G. For Your Information:

1. A Letter of Response from the Bureau of Indian Affairs regarding the KBIC's Tribal Share of the FY 2013 Michigan Agency Forestry Program-June 21, 2013 decision letter.
2. A Notice regarding postponement of the Great Lakes Native American Conference 2013
3. VOIGT Intertribal Task Force Meeting Minutes May 2, 2013 Red Cliff, WI

H. New Business:

1. Nikki Reenders-Arens, Youth Programs Coordinator (not present) – Fabian Ramirez Engagement Agreement – A speaker on Bullying and Drug Abuse Prevention on July 22, 2013 at the KBOCC Gymnasium - \$2,500.00

MOTION MADE BY TONI J. MINTON TO APPROVE THE ENGAGEMENT AGREEMENT WITH FABIAN RAMIREZ. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

2. Susan LaFernier, Secretary – Limited Liability Company Code Fees

MOTION MADE BY JEAN JOKINEN TO APPROVE THE INITIAL LLC FILING FEE OF \$100.00 AND THE ANNUAL RENEWAL FEE OF \$25.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

3. Gerald Jondreau, Tribal Forester – Proposed Climate Change Project on Fee Land off Indian Road to plant variant maples to fill the gaps if the current population of sugar maple begin to decline.

Jerry would like to take a proactive approach to keep sugar maple as a dominant species within the reservation in response to climate change. The Council consensus is to move forward and look for a partnership with MTU and bring future updates.

4. Ed Janisse, Eagle Radio Manager – Radio Network Agreements
 - a) Green Bay Packers - \$2,000.00-\$2,251.00 WCUP (5-year contract) August 2013-February 2018
 - b) Detroit Lions - \$1,000.00-\$1,200.00 WGLI (3-year contract) July 2013-2016 Conclusion NFL Season

MOTION MADE BY FRED DAKOTA TO APPROVE THE JOURNAL BROADCAST GROUP GREEN BAY PACKERS RADIO NETWORK AFFILIATE AGREEMENT AND THE AFFILIATION AGREEMENT(CBS RADIO INC.) WXYT DETROIT LIONS RADIO NETWORK AGREEMENT. SUPPORTED BY DON MESSER, JR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

5. Jason Ayres, CARE Committee Chair/Jim Stingle, Grant Writer - Commodity Foods USDA FY2013 Supplemental Funding Request for a 20kW Renewable Energy Solar System Installation from Waterfront Solar

The funding request is \$60,000.00 with a Tribal cash match of \$5,000.00, \$10,000.00 Tribal in-kind and \$15,000.00 from the MEDC.

MOTION MADE BY JEAN JOKINEN TO APPROVE THE USDA FUNDING REQUEST FOR THE SOLAR SYSTEM PROJECT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

6. Bruce LaPointe, Projects Manager – Vultaggio Services, Inc. - Paisano Paving Services Agreement

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SERVICES AGREEMENT WITH VULTAGGIO SERVICES, INC. DOING BUSINESS AS PAISANO FOR THE PAVING OF AN AREA ON THE NORTH SIDE OF THE COMMUNITIES COMMODITY FOODS WAREHOUSE IN THE AMOUNT OF \$36,806.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Break: 9:58 – 10:12 a.m.

7. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager/Shawn Seymour, Interim Slot Manager – Ojibwa Casinos Baraga and Marquette
 - a) Slot Machine Removals/Installs (20) on each property which were approved by the Gaming Commission on July 2, 2013

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE REQUEST TO REMOVE TWENTY IGT REEL GAMES AND INSTALL OF TWENTY WMS GAMES AT THE BARAGA AND MARQUETTE PROPERTIES. SUPPORTED BY DON MESSER, JR. SIX IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

- b) WMS Gaming, Inc. Slot Machine Lease Agreements
- c) Master Lease Agreement Amendments
- d) Master Purchase Agreement Amendments

MOTION MADE BY FRED DAKOTA TO APPROVE THE WMS GAMING, INC. SLOT MACHINE LEASE AGREEMENTS, AMENDMENTS TO MASTER LEASE AGREEMENTS, AND THE AMENDMENTS TO MASTER PURCHASE AGREEMENTS FOR THE BARAGA AND MARQUETTE PROPERTIES. SUPPORTED BY DON MESSER, JR. SIX IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

- 8. Sarah Maki, Assistant CEO – Pines Cashier Starting Wage Increase (Grade 2 to a Grade 3) – Wages will be increased using the Grid that was established in 2007 and adjustments will be made for the employees years of service. She also presented changes to the Position Announcement for the Pines Convenience Center Cashier position.

MOTION MADE BY JEAN JOKINEN TO APPROVE THE PINES CASHIERS STARTING WAGE INCREASE AT A GRADE THREE AND ADJUSTMENTS TO THE EMPLOYEES FOR YEARS OF SERVICE AND THE CHANGES IN THE POSITION ANNOUNCEMENT/JOB DESCRIPTION, EFFECTIVE JULY 14, 2013. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

- 9. Lindy Grell, Tribal Attorney/Jessica Koski, NRD Mining Technician/Lori Sherman, NRD Director/Charles Brumleve, Mining Specialist – Resolution KB-1944-2013 “Moratorium on Metal Mining” and metal mineral exploration to protect our Reservation Homeland, the people, the culture and environment of the KBIC from the potential adverse effects of metal mining and processing for a period of not to exceed five years

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-1944-2013 MORATORIUM ON METAL MINING. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

I. Closed Session:

1. Lindy Grell, Tribal Attorney –
 - a) Settlement Proposal for Mining Lawsuit
 - b) Attorney for Contracts
 - c) I.H.S. Contract Support Costs Update
2. Cherie Dakota, OVW Team Lead – Personnel Issue
3. Gary Loonsfoot, Jr., Director of Cultural Resources – Safe Lands for Repatriation

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 10:55 A.M. SUPPORTED BY SUSAN J. LAFERNIER. FOUR IN FAVOR (Susan J. LaFernier, Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), THREE OPPOSED (Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED. Carole LaPointe arrived at 10:57 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 12:21 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Attorney for Contracts -

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE LEGAL DEPARTMENT TO TEMPORARILY APPOINT AN ATTORNEY FOR CONTRACTS ON AN HOURLY RATE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Compensation for OVW Transition House Coordinator Job Duties performed by Liana Loonsfoot since April 2, 2013 –

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE RETROACTIVE COMPENSATION OF \$3.00 PER HOUR FOR LIANA LOONSFOOT UPON THE GRANT ADJUSTMENT NOTICE APPROVAL FROM THE DEPARTMENT OF JUSTICE FOR THE ADDITIONAL DUTIES PERFORMED. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Fred Dakota, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, THREE ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr.), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 12:25 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth D. Mayo, Jennifer Misegan, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JULY 11, 2013 – 9:00 A.M.

A. Date: July 11, 2013

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call: ___ Warren C. Swartz, Jr., President
 ___ Elizabeth D. Mayo, Vice President
 ___ Susan J. LaFerner, Secretary
 ___ Toni J. Minton, Assistant Secretary
 ___ Jennifer Misegan, Treasurer
 ___ Robert R.D. Curtis, Jr.
 ___ Fred Dakota
 ___ Jean Jokinen
 ___ Michael F. LaFerner, Sr.
 ___ Carole L. LaPointe
 ___ Elizabeth "Chiz" Matthews
 ___ Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: July 11, 2013

G. For Your Information:

1. A Letter of Response from the Bureau of Indian Affairs regarding the Forestry Proposal
2. A Notice regarding postponement of the Great Lakes Native American Conference 2013
3. VOIGT Intertribal Task Force Meeting Minutes May 2, 2013

H. Old Business:

1. Larry Denomie III, CEO - Draft Social Media Policy Review

I. New Business:

1. Nikki Reenders-Arens, Youth Programs Coordinator – Fabian Ramirez Engagement Agreement
2. Ed Janisse, Eagle Radio Manager – Radio Network Affiliate Agreements
 - a) Green Bay Packers
 - b) Detroit Lions

3. Gerald Jondreau, Tribal Forester – Proposed Climate Change Project on Fee Land
4. Jason Ayres, CARE Committee Chair/Jim Stingle, Grant Writer - Commodity Foods USDA FY2013 Supplemental Funding Request for a Renewable Energy Solar System Installation
5. Bruce LaPointe, Projects Manager – Vultaggio Services, Inc. - Paisano Paving Services Agreement
6. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager – Ojibwa Casinos Baraga and Marquette
 - a) WMS Gaming, Inc. Slot Machine Lease Agreements
 - b) Master Lease Agreement Amendments
 - c) Master Purchase Agreement Amendments
 - d) Slot Machine Removals/Installs
7. Susan LaFernier, Secretary – Limited Liability Company Code Fees
8. Sarah Maki, Assistant CEO – Pines Cashier Starting Wage Increase
9. Larry Denomie III, CEO – Weekly Update
10. Lindy Grell, Tribal Attorney/Jessica Koski, NRD Mining Technician – Resolution KB-1944-2013 Moratorium on Metal Mining

J. Closed Session:

1. Lindy Grell, Tribal Attorney –
 - a) Settlement Proposal for Mining Lawsuit
 - b) Attorney Contract
2. Cherie Dakota, OVW Team Lead – Personnel Issue
3. Gary Loonsfoot, Jr., Director of Cultural Resources – Safe Lands for Repatriation

K. Adjournment: