

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – JULY 11, 2019 – 9:00 A.M.

- A. Date: July 11, 2019
- B. Call to Order: President Swartz called the meeting to order at 9:12 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left 1:14 - 1:55 p.m.)
Gary F. Loonsfoot, Jr., Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 10:07 a.m., left at 2:42 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Dale F. Goodreau
Randall R. Haataja
Kim Klopstein
Michael F. LaFernier, Sr.
Rodney Loonsfoot
Elizabeth D. Mayo
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: July 11, 2019
- | | | |
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| Additions: | FYI-
New Business- | 5. Introduction of Lee Anderson, new Food & Beverage Manager
7. Robert R.D. Curtis, Jr. – DNR Permit Discussion
8. Gary Loonsfoot, Jr., Interim KBIC Cannabis Developer – Weekly Update |
| Deletions: | New Business- | 4. Alden Connor, Jr., Interim Director of Cultural Resources –
c) General Welfare Exclusion Act for Powwow Committee
6. Sarah Smith, CEO – b) Weekly Update |

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

G. For Your Information:

1. KBIC Tobacco Company Financials as of May 31, 2019
2. KBIC Tobacco Company May Financial Review PowerPoint
3. BIA Quarterly Fee to Trust Report – 3rd Quarter 2019 (3) Pending Applications
4. 7th Legacy Environmental, LLC Consulting Firm Request for Engagement on behalf of their client, Enbridge requesting an initial meeting to facilitate dialogue
5. Introduction of Lee Anderson, new Food & Beverage Manager – Ojibwa Casinos

H. Recognize Scheduled Delegation/Individuals:

1. Erin Johnston, NRD Wildlife Biologist/Dr. Valoree Gagnon, Research Scientist/Dr. Carol MacLennan, Research Professor – MTU Sand Point Restoration Area Project Request to have a table at the powwow to collect stories related to the beach sands/stamp sands of the Keweenaw Bay shoreline from Mass Mill to Sand Point

I. Approval of Meeting Minutes:

1. June 20, 2019

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE JUNE 20, 2019 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Rodney Loonsfoot), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

J. New Business:

1. Danielle Webb, Tribal Attorney – Resolution KB-022-2019 Authorization to Contract with BIA for a Litigation Support Contract October 1, 2019 – September 30, 2020

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-022-2019 AUTHORIZATION TO CONTRACT WITH BIA FOR A LITIGATION SUPPORT CONTRACT. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

2. Paul Mooney, Assistant Tribal Attorney –

- a) Doreen Blaker, Tribal Council Treasurer – Proposed Ordinance 2019-01 **1st Reading** to add Chapter 9.5 Garnishment amending Title Nine to grant the KBIC Housing Department the authority to garnish a tenant’s paycheck to recover for rent’s owed to the Housing Department

[See Legislative Process]

MOTION MADE BY DOREEN G. BLAKER TO INTRODUCE AND WAIVE THE 1ST READING FOR PROPOSED ORDINANCE 2019-01 CHAPTER 9.5 GARNISHMENT, SCHEDULE A 2ND READING, AND SEND NOTICES FOR THE PUBLIC HEARING. SUPPORTED BY KIM KLOPSTEIN. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

2nd Reading – August 8, 2019 at 10:00 a.m.

- b) Jody and Stacey Davis (Non-Tribal) - Davis Gun Works Business License Renewal July 14, 2019 – July 13, 2020 (Will comply with the laws of KBIC and follow State and Federal law) 16521 Skanee Road, L’Anse, MI (Gunsmithing Business in the rental home)

Toni Minton arrived at 10:07 a.m.

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE BUSINESS LICENSE RENEWAL FOR DAVIS GUN WORKS WITH JODY AND STACEY DAVIS. SUPPORTED BY DOREEN G. BLAKER. EIGHT IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot), TWO OPPOSED (Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), ONE ABSTAINING (Toni J. Minton), ABSENT – 0, MOTION CARRIED.

- 3. Jason Ayres, Real Estate Officer – Resolution KB-026-2019 Officials Authorized to Sign MDOT Contract (Chocolay Township M-28 improvements)

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-026-2019 OFFICIALS AUTHORIZED TO SIGN MDOT CONTRACT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

4. Alden Connor, Jr., Interim Director of Cultural Resources (not present)/Gary Loonsfoot, Jr., Vice President –
 - a) Resolution KB-024-2019 NAGPRA Representative Designee (Alden Connor, Jr., Interim Director of Cultural Resources)

MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-024-2019 DESIGNATING ALDEN CONNOR, JR. AS THE NAGPRA REPRESENTATIVE. CO-SUPPORTED BY TONI J. MINTON AND ROBERT R.D. CURTIS, JR. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) Resolution KB-025-2019 MACPRA Representative Designee (Alden Connor, Jr., Interim Director of Cultural Resources)

MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-025-2019 DESIGNATING ALDEN CONNOR, JR. AS THE MACPRA REPRESENTATIVE AND TO INCLUDE GARY F. LOONSFOOT, JR. AS THE ALTERNATE. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

5. Larry Denomie III, Ojibwa Casinos General Manager –
 - a) Weekly Update – available for your review
 - b) Ojibwa Casinos Used Passenger Van(s) Purchase for the purpose of Shuttle Services

Larry stated he has \$100,000 in the capital expenditure budget for vehicles and both casinos need new vans for shuttle services. He is requesting the Council's blessing to move forward with purchasing van(s) at approximately \$50,000 to \$55,000.

The Council consensus was to allow Larry to purchase the vans needed and to work with Joe Derocha (present), from 41 Auto Sales, who is going to an auction on Tuesday. Joe will look for the E350 van style as directed by the Council.

Break: 10:35 – 10:50 a.m.

6. Sarah Smith, CEO – Budget FY2020 Proposed Timeline (discussion moved to Closed Session)
7. Robert R.D. Curtis, Jr. – DNR Permit Discussion regarding Tribal members' protected treaty rights and a \$16 permit to access ceded territory areas. President Swartz will discuss with Wenona T. Singel, Deputy Legal Counsel to the Office of the Governor, State of Michigan regarding federal forests recognition of rights.

8. Gary Loonsfoot, Jr., Interim KBIC Cannabis Developer/Weekly Update – Verbal Report

Gary had meetings with Mark Abraham (Grow Operator) and Derek Parker (ELF Facility Owner). Gary toured properties with Mark for possible grow expansions. Gary also attended the Humboldt Township meeting regarding the transfer of their growing and processing licenses. Gary thanked Joe Derocha for his assistance with Humboldt and Joe reiterated their willingness to work with KBIC.

9. Glenn Tolonen – Commercial Fishing License Special Request (added to the agenda)

Glenn was directed to go through the licensing process and return later in the day.

K. Closed Session:

1. Paul Mooney, Assistant Tribal Attorney –
 - a) Gary Loonsfoot, Jr., Interim Cannabis Developer – Mark Abraham Letter of Intent
 - b) Francis J. LaPointe, Jr., CFO - Fifth Third Bank Swap Documents
 - i. Resolution KB-023-2019
 - ii. Master Agreement
 - iii. Schedule to Master Agreement
 - iv. W-9
 - v. Bilateral Agreement
 - vi. Client Contact Information
 - vii. DF Counterparty Questionnaire
 - viii. ACH Payment Authorization Form
 - c) Joseph O’Leary, Baraga County Prosecuting Attorney – Articles of Incorporation and By-Laws for the Elders Trust Fund (Reschedule)
2. Terri Denomie, Head Start Director – Head Start/Early Head Start Program Application Process Discussion
3. Sarah Smith, CEO – Budget Guideline/Timeline Discussion

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 11:12 A.M. SUPPORTED BY KIM KLOPSTEIN. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Lunch: 11:54 a.m. - 1:14 p.m.

President Swartz returned at 1:55 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 2:40 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 2:42 - 2:54 p.m. (Toni Minton left)

Dressler Mechanical, Inc. (DMI) Tier II Services Agreement for the HVAC Systems Replacement in the Pressbox \$30,435.00 term ending August 30, 2019 (added to the agenda) -

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE TIER II SERVICES AGREEMENT WITH DRESSELER MECHANICAL, INC. CO-SUPPORTED BY RANDALL R. HAATAJA AND KIM KLOPSTEIN. EIGHT IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr.), OPPOSED - 0, TWO ABSTAINING (Rodney Loonsfoot, Elizabeth D. Mayo), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

[Introduction of Mark Abraham, Grow Operator for KBIC Cannabis Development and Processing Facility in Humboldt Township]

The Letter of Intent will be finalized for Saturday's Council meeting. He discussed the tours of other potential sites in Marquette.

Fifth Third Bank Resolution and Swap Documents – Ojibwa Casino Projects

MOTION MADE BY DOREEN G. BLAKER TO APPROVE KB-023-2019 AND THE FIFTH THIRD BANK SWAP DOCUMENTS (MASTER AGREEMENT, SCHEDULE TO MASTER AGREEMENT, W-9, BILATERAL AGREEMENT, CLIENT CONTACT INFORMATION, DF COUNTERPARTY QUESTIONNAIRE, ACH PAYMENT AUTHORIZATIN FORM). CO-SUPPORTED BY GARY F. LOONSFOOT, JR. AND MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Gary F. Loonsfoot, Jr., Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr.), OPPOSED - 0, THREE ABSTAINING (Susan J. LaFernier, Rodney Loonsfoot, Elizabeth D. Mayo), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, JR. TO ADJOURN AT 3:30 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Gary F. Loonsfoot, Jr., Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot
Administrative Specialist