



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, FEBRUARY 6, 2002
LITTLE RIVER BAND COMMUNITY CENTER**

**OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held a meeting at the Little River Band Community Center on February 6, 2002. Following are the minutes of that meeting.

I. Opening Prayer

The Tribal Council engaged in silent prayer.

II. General Business

A. Call To Order:

The regularly scheduled Tribal Council meeting of Wednesday, February 6, 2002, was called to order at 10:04 a.m.

B. Roll Call

C. Bennett – Present	C. Fisher – Present	T. Kleeman – Present
L. McCatty – Absent	P. Medahko – Present	S. Parsons – Present
E. Porter – Present	P. Ruiter – Present	J. Sam – Present

Quorum established.

McCatty was excused due to illness in the family.

Others Present: Kathleen Block, John Bussey, Leatrice Castonia, Jo Anne House, Pat Morris, and Matt Stratton.

C. Approval of Agenda

Fisher asked that #4 of CMT business be a discussion item and all other items under CMT business were action items.

MOTION TO APPROVE THE AGENDA AS SUBMITTED;
by Kleeman; support by Ruiter.

Roll Call

C. Bennett – Yes	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

D. Tribal Council Minutes: 12/15/01

12/15/01

Page 5 – four lines down in motion to change coes to codes.

MOTION TO APPROVE THE DECEMBER 15, 2001, TRIBAL COUNCIL OPEN SESSION MINUTES WITH CORRECTION ON PAGE FIVE; by Kleeman; support by Ruiter.

Roll Call

C. Bennett – Yes	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Abstain	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (7-0-1-1)

E. Public Comment Period

No public comment.

I. Continuing Business

A. Grants & Contracts

1. Consideration of Purchase of TDR Demographics 8.0 Software

Dan Shepard, Brian Medacco and Lee Sprague arrived at 10:09 a.m.

Approval was requested to purchase a TDR Demographics 8.0 Software to compile Tribal Census Data. The funding for this software was approved in the Tribal Planning Budget for FY2002.

Shepard and Medacco presented the facts regarding the purchase of the software, the specs of the software and the ability of other departments using the same software. Medacco stated he consulted the IS department and they stated they would be able to make any internal alterations necessary. There will be three license for this software.

**MOTION TO APPROVE RESOLUTION # 02-0206-01,
PURCHASE OF TDR DEMOGRAPHICS 8.0
SOFTWARE;** by Kleeman; support by Bennett.

Roll Call

C. Bennett – Yes	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruitter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

**2. Consideration of Purchase of Dedicated Server to Operate
TDR Demographics 8.0 Software**

Approval was being requested to purchase a dedicated server to operate TDR Demographics 8.0 Software to compile Tribal Census Data. The funding for this server was approved in the Tribal Planning Budget for FY2002.

Shepard stated the cost of the dedicated server for this software was \$5,980. Medacco stated the software has been used by several other Tribes and includes upgrades for a year. Fisher asked if the software was compatible with other databases. Shepard stated the system was compatible with GIS, Excel, and Access. Parsons asked if this would be a one time charge. Medacco stated that it was a one time charge, however, the Tribe would have to pay for added licenses, if additional users were added later.

**MOTION TO APPROVE RESOLUTION # 02-0206-02,
PURCHASE OF DEDICATED SERVER TO
OPERATE TDR DEMOGRAPHICS 8.0 SOFTWARE;**
by Fisher; support by Sam.

Roll Call

C. Bennett – Yes	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruitter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

Bussey stated he had completed the report request by Council regarding money spent on grant writers. Sam asked Bussey to summarize the report for the membership. Bussey reported the following individuals' compensation and dollar amounts of successful grants for the past two years:

- 1) Vanessa Buhs was compensated \$10,262.67 and obtained \$1,675,465 in grant funds for the Tribe.

2) Meagan Kempf was compensated \$15,013.25 and obtained \$661,000 in grant funds for the Tribe.

Personnel employed only during a one year period were:

- 1) Eva Petoskey was compensated \$1,600 and obtained \$348,626 in grant funds for the Tribe.
- 2) Sandra Nordmark was compensated \$16,284.50 and obtained \$130,404 in grant funds for the Tribe.

B. CMT Business

1. Electric service permanent power to SBR plant

Fisher stated there was a resolution for this item that was distributed to Council this morning. Fisher stated, in his opinion, awarding this contract to Advantage would be the best decision because they were already on property and familiar with the project.

Sam stated in the last resolve it states that this would increase the budget. Sam asked if Fisher could put this budget on the Council's agenda next week. Sam stated the tax-exempt project budget may not have been authorized by Council. Fisher stated he would be discussing a detailed budget with Miller Schroeder in the middle of February. House stated that in the final resolve it should be listed as "project budget" instead of "budget".

MOTION TO APPROVE RESOLUTION # 02-0206-03, APPROVING THE CONTRACT WITH ADVANTAGE ELECTRIC TO PROVIDE PRIMARY ELECTRICAL SERVICE TO THE LITTLE RIVER BAND OF OTTAWA INDIANS' SBR PLANT AT A COST NOT TO EXCEED \$65,600.00 AND AUTHORIZING THE TRIBAL OGEMA OR, IN HIS ABSENCE, THE TRIBAL COUNCIL SPEAKER, TO SIGN THE RELATED CONTRACT FOR THE WORK AS DESCRIBED IN THIS RESOLUTION AS AMENDED; by Fisher; support by Kleeman.

Roll Call

C. Bennett – Yes	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – No	J. Sam – Yes

Motion carried (7-1-0-1)

2. Pump House and Hydro Pneumatic Tank Storage Bid Package

Fisher stated the project bid was \$201,971 and it was budgeted at \$210,000. Fisher stated Davis submitted the low bid. Fisher stated Davis were moving on site at this time. Fisher stated Davis would move ahead with the pump house and hydro pneumatic tank storage.

Bennett asked if the company bonding amount was included in the contract. Fisher stated the bond was included in the cost. Stratton asked if it were public knowledge to know how much the Tribe had spent for the construction of the Casino thus far. Parsons stated this information was available for public review. Parsons thought it was in the \$20 million range, which was in the financial statement.

John Koon arrived at 10:44 a.m.

Discussion was held regarding the planned opening for the Casino. Sam stated, to date, the opening date has not been announced.

MOTION TO APPROVE RESOLUTION # 02-0206-04, AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE CHANGE ORDER #28 TO MODIFY THE EXISTING LITTLE RIVER BAND OF OTTAWA INDIANS CONTRACT WITH DAVIS CONSTRUCTION COMPANY TO INCLUDE THE ADDITION OF THE WORK RELATED TO THE CONSTRUCTION OF TWO COMPONENTS OF THE COMMUNITY WATER SYSTEM 1) THE PUMP HOUSE, AND 2) THE HYDROPNEUMATIC TANK STORAGE BUILDING AT AN ADDITIONAL COST NOT TO EXCEED \$201,971.00 AS PER THE SPECIFICATIONS PROVIDED BY JOHN ANDERSON, IHS; by Fisher; support by Porter.

Sam asked if capping the original contract at \$201,971 or extending. Fisher stated this was an addition. The contract would be amended to add this additional cost. This would not exceed the contract budget.

Roll Call

C. Bennett – No	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – No

Motion carried (6-2-0-1)

4. Art Consideration for Permanent Casino

Fisher stated an attempt was being made to form a small working committee to assist with the consideration of art for the permanent Casino. Parsons stated the CMT and Tribal Council were looking for Tribal members who would like to display art in the Casino. Lee Sprague volunteered to be on the art committee.

II. Old Business

A. Commercial Fishing Training Program

(Tabled from 1/23/02 Tribal Council meeting)

Discussion was held regarding the cost of the program. The purpose of program was to hire a consultant to work with the captains and helpers. The NRC regulations called for a consultant position. John Koon stated in his opinion the cost was too high. Koon requested the Tribal Council and the Natural Resources Commission hold a work session.

MOTION TO REMOVE THE COMMERCIAL FISHING ITEM FROM THE AGENDA, REMAND THIS MATTER BACK TO THE NATURAL RESOURCES COMMISSION FOR THEIR RECOMMENDATIONS TO INCLUDE THE ACCOMPANYING RESOLUTION BY THE COMMISSION FOR RECONSIDERATION OF THE PROGRAM BY THE TRIBAL COUNCIL AT A LATER DATE; by Sam; support by Kleeman.

Roll Call

C. Bennett – Yes	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

V. New Business

A. Consideration of Resolution to Amend FY2002 Budget and Appropriating \$60,000 to Support the “Veterans Warrior Society”

Sam noted veterans of the Tribe have organized to form an entity and were seeking funding to carry on specific activities described in the funding request.

Sam stated a work session was held with the veterans group. During the work session it was decided the veterans group would apply for a non-profit status. Sam requested monetary support from the Tribal Council in

the amount of \$8,000 for the veterans group until they can obtain their non-profit status. Sam read the list of expenditures that would be incurred in the near future including the Honor Feast for the WWII veterans.. Sam stated, in her opinion, the expenses were all legitimate in keeping with the goals of the veterans group. The awarding of \$8,000 would allow them to continue with activities they have planned in the interim. Sam stated two officers, designated in writing by the society, would need to sign check requests. The check requests would then need approval of the Tribal Ogema or his designee.

Council recessed at 11:15 a.m.

Council reconvened from recess at 11: 25 a.m.

**MOTION TO APPROVE RESOLUTION # 02-0206-05
 APROOVING BUDGET MODIFICATION TO THE FISCAL
 YEAR 2002 OPERATING BUDGET FOR THE TRIBAL
 GOVERNMENT AND APPROPRIATING \$8000.00 FROM
 THE GENERAL FUND TO SUPPORT THE
 ESTABLISHMENT OF THE "VETERAN'S WARRIOR
 SOCIETY"; by Sam; support by Porter.**

Roll Call

C. Bennett – Yes	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

B. Authorizing the Tribal Ogema, or in the absence of, the Tribal Council Speaker to Execute an Agreement with Design Plus for Civil Engineering at the Little River Station Store

No discussion, Fisher stated he was a member of the LRM&C, however, because this item had been assigned to B. Davis, he was not prepared to speak regarding the project. Fisher suggested a meeting with Bob Davis prior to the next Council meeting. Sam will send a memo to the Ogema and Davis requesting an update on the status of the Little River Station prior to the Tribal Council meeting of next week.

MOTION TO TABLE THIS ITEM UNTIL NEXT WEEK; by Ruiter; support by Kleeman.

Roll Call

C. Bennett – Yes	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

C. Reconsideration of Resolution # 01-1219-04, Consideration of Repealing the Resolution and Approval of the Sovereign Immunity Waiver

Sam requested the Council re-examine this issue regarding the acceptance of HUD funds discussed at a prior meeting. Sam suggested the Council set the funding aside to an escrow account until such time as it was determined whether or not 1) the waiver was a condition required by the funding agency 2) if so, do we waive immunity or return the funding or 3) modify waiver to limit to specific conditions.

Sam stated the Tribal Council acted on a resolution that resulted in a "Blanket Waiver" of sovereign immunity. Sam stated the Tribe could be held for monetary damages and she stated based on her research, the full waiver was not be required for this contract. The resolution before the Council today modified the previous resolution and waiver.

Parsons reiterated that this resolution would rescind the previous resolution regarding HUD grants.

MOTION TO APPROVE RESOLUTION # 02-0206-06, MODIFIED ACCEPTANCE OF GRANT FUNDS FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT INDIAN COMMUNITY DEVELOPMENT BLOCK GRANTS FOR WASTEWATER TREATMENT FACILITY INFRASTRUCTURE AND FOR DEVELOPMENT OF ROADS AND UTILITIES AT AKI MAADIZIWIN AND APPROVING A MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2001 IN THE AMOUNT OF \$1,000,000 AND AGREEING TO THE ASSURANCES REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND HUD ENVIRONMENTAL COMPLIANCE RESPONSIBILITIES ASSOCIATED WITH ACCEPTANCE OF THOSE BLOCK GRANTS; by Sam; support by Kleeman.

Roll Call

C. Bennett – No	Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (7-1-0-1)

VI. Concluding Business

A. Next Meeting Date(s) – February 13, 2002

B. Public Comment Period

Fisher stated the Cultural Preservation Committee volunteered to be on the art consideration committee. B. Medacco stated, in response to Fisher's question earlier in the meeting, the software for the census was compatible with other systems. Shepard stated when he attended the Manistee Township meeting it was stressed they would be interested in a tour of the new Casino. Fisher had scheduled a separate tour for next week for Public Safety, however, he would need to speak to Bob Davis to open it to the public again. Parsons asked that the tour be limited to officials and commissioners and not the public. Porter stated would like to be careful not to open to others when it had not been open to the membership for tour yet.

Bennett stated that two different versions of the resolution were passed out and that is why she voted no on the previous motion.

R. Bussey stated she also attended the Township Meeting last night. Bussey stated there were some good outcomes from that meeting. Bussey suggested that someone from Marketing at the Casino be available for the next meeting on April 11.

The purpose of closed session is to discuss business matters considered privileged or confidential, involving consideration of bids/contracts, pending legal issues, and/or personnel matters.

MOTION TO ADJOURN OPEN SESSION; by Kleeman;
support by Bennett.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruitter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

This portion of Open Session was adjourned at 11:52 a.m.

MOTION TO GO INTO OPEN SESSION; by Sam , support by Kleeman

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Absent	S. Parsons – Yes
E. Porter – Yes	P. Ruitter – Yes	J. Sam – Yes

Motion carried (7-0-0-2)

Council reconvened Open Session at 3:06 p.m. There were no items to be placed in Open Session from the Closed Session.

MOTION TO ADJOURN; by Kleeman; support by Sam

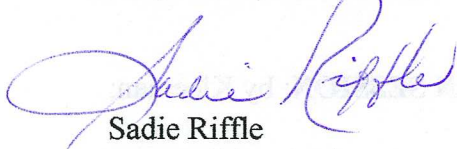
Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Absent	S. Parsons – Yes
E. Porter – Yes	P. Ruitter – Yes	J. Sam – Yes

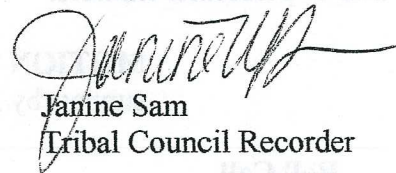
Motion carried (7-0-0-2)

Meeting adjourned at 3:10 p.m.

Respectfully submitted,



Sadie Riffle
Transcribing Assistant



Janine Sam
Tribal Council Recorder

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Absent	P. Medahko – Absent	S. Parsons – Yes
E. Porter – Yes	P. Ruitter – Yes	J. Sam – Yes

This portion of Open Session was adjourned at 11:23 a.m.