



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, APRIL 3, 2002
LITTLE RIVER BAND COMMUNITY CENTER**

Revised #2
APPROVED

6/12/02

**OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held a meeting at the Little River Band Community Center on April 3, 2002. Following are the minutes of that meeting.

I. Opening Prayer

The Tribal Council engaged in a silent prayer.

II. General Business

A. Call To Order:

The regularly scheduled Tribal Council meeting of Wednesday, April 3, 2002, was called to order at 10:02 a.m.

B. Roll Call

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

Quorum established.

Others Present: Kathleen Block, John Bussey, Leatrice Castonia, Katie Glocheski, JoAnne House, Brian Medacco, Pat Morris, Lee Sprague.

C. Approval of Agenda

MOTION TO APPROVE AGENDA AS SUBMITTED; by Kleeman; supported by Ruiter.

Roll Call

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

Motion carried (9-0-0-0)

D. Tribal Council Minutes

1/19/02

Medahko stated on page two, second paragraph, Frank Hudson's name should read "Huston". McCatty stated on page two, third paragraph, should read "to ascertain if proper procedures were followed. McCatty also stated on page three, third paragraph 10) change authored to presented

MOTION TO APPROVE THE WEDNESDAY, JANUARY 19, 2002 TRIBAL COUNCIL OPEN SESSION MINUTES, AS AMENDED; by Kleeman; supported by Medahko.

Roll Call

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

Motion carried (8-0-1-0)

1/23/02

McCatty stated on page two in the middle of the second paragraph should read "Speaker Parsons asked Markowski to supply him with a contact person "and "attendance that federal funding was done the number of Native ...". Sam stated she would recheck the sign-in sheet because she believes Mike Schraeder was in attendance not Mike Schneider.

MOTION TO APPROVE THE WEDNESDAY, JANUARY 23, 2002 TRIBAL COUNCIL OPEN SESSION MINUTES, AS AMENDED; by Kleeman; supported by Ruiter.

Dan Shepard, Bridgett Cole, Yvonne Parsons and Marty Holgren arrived at 10:12 a.m.

Roll Call

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

Motion carried (8-1-0-0)

1/30/02

Medahko stated on page 5 of 7 should read "Medacco queried whether or not the new employee" should be changed.

MOTION TO APPROVE THE WEDNESDAY, JANUARY 30, 2002 TRIBAL COUNCIL OPEN SESSION MINUTES AS AMENDED; by Kleeman; supported by Medahko

Roll Call

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

Motion carried (9-0-0-0)

E. Public Comment Period

No public comment.

III. Continuing Business

A. Grants & Contracts

1. Census Project Update

Brian Medacco asked if Council had any questions regarding the document that was distributed. B. Medacco stated the software was installed yesterday afternoon and able to access today. Parsons asked B. Medacco how the project was progressing. B. Medacco stated the original schedule that was sent out was about one to two weeks off. Medacco stated will need to go through the software to see what they can or cannot do. Medacco was hoping to have something for the Membership Meeting but at this point would only have a flyer and possibly a pre-test.

Fisher stepped out at 10:20 a.m.

Medacco plans on sending out a reminder card. Ruitter asked when the community focus group was scheduled in Wisconsin. Medacco stated it looks like this will be addressed in May. Medacco was asking for a volunteer from Tribal Council to help with the pre-test. Medacco stated have been working on a database in Access that he was told this would work with the new software. Medacco stated House was working on an oath. Medacco stated there will be no names associated with the census.

Fisher returned to the meeting at 10:23 a.m.

Joe LaPorte and Janine VanRixel arrived at 10:23 a.m.

Fisher stated he would volunteer for the pre-test.

2. Approval of Sea Lamprey Assessment Contract

Bussey stated Marty Holgren and Archie Martel have been working on The Sea Lamprey Assessment Contract. Bussey stated a contract in the amount of \$2,500 has been requested. Parsons asked if this was a competitive contract. Bussey stated it was not competitive. Medahko asked about the additional cost of \$1,000 for additional work. Holgren stated this would come from the U.S. Fish and Wildlife. Holgren stated have been working with the DNR and they were not recognizing the Tribe for management. Holgren stated this was an important contract because it lets the Tribe do management. Holgren stated it was important to do these things to establish our management.

**MOTION TO APPROVE RESOLUTION # 02-0403-01,
SEA LAMPREY ASSESSMENT CONTRACT;** by
Kleeman; supported by Ruiter.

Roll Call

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

Motion carried (9-0-0-0)

B. CMT Business

1. Artwork Update – FYI

Fisher reported this project was on-going. Discussion was held regarding selection of artwork. Anyone interested in having their artwork consider must respond soon because recommendations were being made by the Art Committee.

2. FF&E Update – FYI

Fisher gave an update indicating the finishing of the hotel will be done shortly after the Casino was completed. Fisher stated he would give another update in a week.

3. Washer/Dryer/Laundry Informational Update – FYI

Fisher stated considered installing laundry facilities on the grounds for the hotel with four commercial washers and three commercial dryers. There would be some construction costs that would be involved with this in terms of modifications. Ruiter asked about the cost of the equipment. Fisher stated the cost of the equipment

was around \$150,000 but does not have the paperwork on this. Porter asked the cost of HVAC. Fisher stated the requirements of the room have changed because of moisture and heat and was involved in that room and a possible other room may need to be added. The HVAC would be approximately \$75,000. Shepard asked if for casino or hotel. Parsons stated this was for the hotel.

4. Pre-Action System (Wet System Addition) Change Order Approval

Fisher stated the areas that were involved in this consideration were the surveillance and IS areas in the back of the house. It was recently determined that with the system that was originally contemplated for that area, the water would go off and the equipment would likely be ruined and could cause the ultimate shut down of the Casino. Fisher stated it was the CMT's recommendation to have this approved by the Tribal Council at the cost of \$35,992.

MOTION TO APPROVE RESOLUTION # 02-0403-02, AUTHORIZING THE TRIBAL OGEMA OR, IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO SIGN THE CHANGE ORDER RELATED TO BULLETIN #54 AND AUTHORIZE THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE BULLETIN NO. 54 AND THE RELATED CHANGE ORDER TO COVER THE NEED FOR A PRE-ACTION FIRE PROTECTION SYSTEM IN THE IS & SURVEILLANCE AREAS NOT PROVIDED IN THE BASE CUNNINGHAM-LIMP CONTRACT SCOPE OF WORK AT A COST NOT TO EXCEED \$35,992.00; by Fisher; supported by Porter.

McCatty requested a copy of the code that states the system was absolutely needed.

Roll Call

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

Motion carried (6-3-0-0)

IV. Old Business

There was no "Old Business" for discussion.

V. New Business

A. Public Safety Communication System

1. Approval of Michigan Public Safety Communications System Membership Agreement

Kleeman left at 10:57 a.m.

Parsons clarified that this was for the Michigan's Public Safety Communications System (MPSCS) Membership Agreement. LaPorte stated this was to help communicate within the department regarding non-emergency communication. This would provide access for the Public Safety Department to the State's existing system. VanRixel stated Oceana and Mason just received their system. Sam asked about the budget for this item. LaPorte stated was in the budget. Discussion was held regarding the cost of the system and what was in the budget for this item. Sam asked the cost of the contract. LaPorte stated the fees will be paid out of contract services and will be \$200 per radio for a total of \$2,200 plus \$500 for activation fee. Parsons about the cost of the overall contract. LaPorte stated 11 portable radios and 10 mobile at a cost of 11 radios at \$200 per radio. Bennett would like to know the total cost. LaPorte stated the cost of the entire system was \$78,493.00. Fisher stated he had a concern with "it is finally resolved that on the fourth line that "Section V shall be construed as waiving the Band's immunity from suit" and suggested placing not after shall. House stated should read "Section V shall NOT be construed as waiving". LaPorte stated the system will be integrated with the State and have 800 MZ and in order to have everybody communicate with each other, central dispatch and other agencies and he feels this was a must.

MOTION TO APPROVE RESOLUTION #02-0403-03, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE MICHIGAN'S PUBLIC SAFETY COMMUNICATIONS SYSTEM (MPSCS) MEMBERSHIP AGREEMENT AND CONSENTING TO HAVE DISPUTES RESOLVED THE PROCESS DESCRIBED IN SECTION V. B. IN THAT AGREEMENT, WITH CHANGE IN THE FINAL RESOLVE INSERTING "NOT" AFTER THE WORD "SHALL" IN THE FIFTH LINE; by Sam; supported by Medahko.

Roll Call

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

Motion carried (5-3-0-1)

2. Approval of Public Safety Communication System for the Public Safety Department during Fiscal Year 2002 in the amount of \$78,493.00

Parsons stated this was a budgeted item for public safety and was the equipment necessary to access the State communication system. Porter asked if this equipment funding would come from Great Lakes Fishery. LaPorte stated that was correct. McCatty asked Sam to read the Great Lakes Fishery line item from the approved budget. LaPorte stated this was a huge officer safety issue if officers need to contact anyone. The concern of cars that were purchased without submission to Council was discussed.

MOTION TO APPROVE RESOLUTION # 02-0403-04, APPROVING THE PURCHASE OF A PUBLIC SAFETY COMMUNICATION SYSTEM FOR THE PUBLIC SAFETY DEPARTMENT DURING FISCAL YEAR 2002 IN THE AMOUNT OF \$78,493.00; by Porter; supported by Medahko.

Roll Call

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

Motion carried (6-2-0-1)

Sam stated Kleeman was not present as she was needed at another meeting.

B. MIGIZI BUSINESS CAMP FOR TRIBAL YOUTH

Parsons stated there was a work session on this item yesterday. Sam stated there was a legal opinion regarding not needing a resolution for this item and so would like to approve this by motion. Parsons stated a Council Resolution was not required as the cost of the event falls within the Ogema's authority.

Discussion was held regarding the organization of the camp, the activities at the camp as well as accommodations.

VI. Concluding Business

- A. Next Meeting Date(s) – April 10, 2002**
- B. Public Comment Period**

LaPorte thanked the Council for their input and help.

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 Sam; supported by McCatty.

Roll Call

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

Motion carried (8-0-0-1)

This portion of Open Session was adjourned at 11:42 a.m.

3:08 p.m.

I. Open Session

A. Items moved from Closed to Open Session

MOTION TO GO INTO OPEN SESSION; by Ruiter; supported by Kleeman.

Roll Call

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

Motion carried (9-0-0-0)

MOTION TO MOVE TO PLACE IN THE OPEN SESSION THE ACTIONS ON RESOLUTION # 02-0403-05 THROUGH 02-0403-09 AND THE ACCOMPANYING MOTIONS AND ROLL CALL; by Sam; supported by Kleeman.

Roll Call

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

Motion carried (9-0-0-0)

MOTION TO APPROVE RESOLUTION # 02-0403-05, AUTHORIZING THE TRIBAL OGEMA OR, IN THE

ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO SIGN THE FF&E CHANGE ORDER DEVELOPED AND RECOMMENDED BY THE CONSTRUCTION MANAGEMENT TEAM TO THE INTAGLIO CONTRACT FOR SOUND AND VIDEO CHANGES, THE NET EFFECT OF WHICH RESULTS IN A CREDIT TO THE TRIBE IN THE AMOUNT OF \$299.75 ; by Kleeman; supported by Porter.

Roll Call

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

Motion carried (9-0-0-0)

MOTION TO APPROVE RESOLUTION # 02-0403-06, AUTHORIZING THE TRIBAL OGEMA OR, IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO SIGN THE FF&E CHANGE ORDER DEVELOPED AND RECOMMENDED BY THE CONSTRUCTION MANAGEMENT TEAM TO THE NETCOM CONTRACT FOR A SERIES OF CHANGES RELATED TO THE TELEPHONE NETWORK SYSTEMS IN THE EXPANDED CASINO PROJECT AT A COST OF \$23,204.00 FOR WORK THAT WAS NOT PROVIDED FOR IN THE ORIGINAL SCOPE OF WORK; by Sam; supported by Porter.

Roll Call

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

Motion carried (9-0-0-0)

MOTION TO APPROVE RESOLUTION # 02-0403-07, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO SIGN THE CHANGE ORDER AS RECOMMENDED BY THE CONSTRUCTION MANAGEMENT TEAM FOR CHANGES MADE TO THE ORIGINAL PUMP AND ELECTRICAL

SPECIFICATIONS FOR THE PUMP HOUSE PER JOHN ANDERSON, IHS, WHICH WILL BE COMPLETED BY DAVIS CONSTRUCTION COMPANY AT A COST NOT TO EXCEED \$6,967.00;
by Fisher, supported by Ruiter.

Roll Call

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

Motion carried (9-0-0-0)

MOTION TO APPROVE RESOLUTION # 02-0403-08, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE A SALES ORDER #50798 WITH SODAK GAMING AND CONSENTING TO HAVE DISPUTES ARISING UNDER THAT AGREEMENT RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH SECTION 4 OF ADDITIONAL TERMS AND CONDITIONS TO THAT SALES ORDER CONTINGENT UPON COORDINATION OF DELIVERY SCHEDULE BETWEEN OPERATIONS OF THE CASINO AND THE GAMING COMMISSION; by Sam; supported by Fisher.

Roll Call

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

Motion carried (8-1-0-0)

MOTION TO APPROVE RESOLUTION # 02-0403-09, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE A SALES ORDER WITH SODAK GAMING AND CONSENTING TO HAVE DISPUTES ARISING UNDER THAT AGREEMENT RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH SECTION 5 OF ADDITIONAL TERMS AND CONDITIONS TO THAT SALES ORDER WITH CHANGE OF NOT TO EXCEED \$14MENT RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH SECTION 5 OF

**ADDITIONAL TERMS AND CONDITIONS TO
THAT SALES ORDER WITH CHANGE OF NOT TO
EXCEED \$145,330.00; by Kleeman; supported by Fisher**

Roll Call

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

Motion carried (9-0-0-0)

MOTION TO ADJOURN; by Sam; supported by
Kleeman.

Roll Call


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

Motion carried (9-0-0-0)

The meeting was adjourned at 3:12p.m.

Respectfully submitted,


Sadie Riffle
Transcribing Assistant


Janine M. Sam
Tribal Council Recorder