

APPROVED
11/14/01



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, NOVEMBER 7, 2001
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 November 7, 2001. 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, November 7, 2001, was called to order at 1:02 p.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: Jo Anne House, Kathleen Block, John Bussey, Gary Markowski, Al Medacco, P. Morris, Alice Linscott, Leatrice Castonia, Dan Shepard, Mark Dougher, Martha Kase, Ruth Bussey, Helen Ann Yunis, Bill Willis, Bobbie Jo Thomas

C. Approval of Agenda

MOTION TO APPROVE AGENDA WITH THE REMOVAL OF ITEMS #1 AND #2 UNDER B. CMT BUSINESS UNDER ITEM #3, CONTINUING BUSINESS; by Sam; support by Kleeman.

MOTION TO AMEND PREVIOUS MOTION TO REMOVE #1 UNDER PERSONNEL IN CLOSED SESSION AND

PLACE THAT AS #3 UNDER CONTRACTS; by McCatty;
support 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 AGENDA WITH THE REMOVAL OF ITEMS #1 AND #2 UNDER B. CMT BUSINESS UNDER ITEM #3, CONTINUING BUSINESS AND TO REMOVE #1 UNDER PERSONNEL IN CLOSED SESSION AND PLACE THAT AS #3 UNDER CONTRACTS; by Sam; support 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)

D. Tribal Council Minutes

10/24/01

McCatty stated she has many comments that she would like to be looked up in this set of minutes.

MOTION TO TABLE MINUTES OF WEDNESDAY, OCTOBER 24, 2001 UNTIL NEXT WEEK; by McCatty; support by Medahko.

Roll Call

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

Motion failed (3-6-0-0)

McCatty stated the corrections that need to be done. On page 3 of 9, the South Fox Island resolution - all the conversation regarding that item is not included to explain what the item was about. On the bottom of that page, New Business A was made by myself and is incomplete to the entire motion that was made. On page 4 of 9, Item B does not have the complete conversation in regards to explaining that item. Item C does not

accurately explain what was voted on in the conversation in regards to what the Committee was asking for. On page 5 of 9, a Tribal member had requested specific information and it does not state in there that she requested this. She would also like the comments checked to make sure they are accurate. Under the acceptance of the legal opinion regarding Indian preference, the 4th line down in the explanation there seems to be something missing that doesn't make sense. At the bottom of that page Candace Chapman again requested specific information on the voting and that should be noted in the minutes. She would also like that comment to be checked with the tape to make sure that it is accurate. On page 7 of 9, in the middle of the page, the roll call actually failed when it states it carried. The discussion on the motion that follows that was actually discussion that was held prior to the motion and should be above that. The motion at the bottom of page 7 of 9, to remove from Closed Session items 1, 2 and 3, the way that this is written in these minutes opens the contracts, the motions and the roll call vote and she recalls the intention was to only open the resolution, the motion and the roll call vote.

**MOTION TO TABLE MINUTES OF WEDNESDAY,
 OCTOBER 24, 2001 TO NEXT MEETING;** by Fisher; support
 by McCatty.

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)

E. Public Comment Period

Fisher stated he has invited the gentlemen with the art collection to the property tomorrow. They plan on walking the site and Fisher will get his input in terms of recommendations for items in his collection for specific spaces within the property. Sam stated helicopters are coming tomorrow and may not be the best time for bringing the consultant to the property. McCatty stated there was a video done of the construction process of the casino/hotel project and can be shown next week at the Council meeting.

III. Continuing Business

A. Grants & Contracts

**1. Resolution Approving Stop Violence Against Indian Women
 Discretionary Grant**

Dougher is working on a grant with the U.S. Department of Justice to stop violence against Indian women. He has been working with a

group on this. This grant would provide a plan for training and several other things. The funding is for \$50,000 and there is no cash match required. There is an in-kind match, which will be provided through matching existing staff wages from Janine VanRixel, Sheryl Ivens, and Delsy Treado.

MOTION TO APPROVE RESOLUTION # 01-1107-01, STOP VIOLENCE AGAINST INDIAN WOMEN DISCRETIONARY GRANT; by Kleeman; support by Porter.

Linscott stated her feelings regarding this issue. Fisher states each case should be taken separately and that training can be used for better management of these situations. Sam stated the U.S. Department of Justice is going to be giving away money and that is where this money is coming from. The Tribe is not putting \$50,000 towards this cause. Linscott wanted to know how does she know the women are going to be helped. Medahko states this money is for victims of domestic violence and not geared just toward women, it could be for any family member that has been in a domestic situation, it could be children or it could be a man. Linscott asked what the plan was for this money. Medahko stated this is why a committee is formed to assess the needs of the Tribe. Shepard stated maybe Linscott could give advice to the committee on how the money is to be spent.

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)

Bussey stated he had announcements:

1. The USDA additional funds have come in at \$11,424 for the food commodity program.
2. Grant has been awarded for \$14,295 and that is for October 1 through December 30.
3. EPA Water Quality Grant has been awarded for \$85,000.
4. The indirect cost has been approved. Our direct cost is \$2,626,114 and that is a change from 1996, which was the last time we had approved indirect cost, and at that time we had \$102,825. Our indirect cost rate has jumped from 29.8% to 34% for this year and

34.3% for next year. Bussey needs to meet with Council at some point to go over this.

B. CMT Business

1. Resolution to move Design Plus payment to tax exempt loans

Removed from agenda.

2. Approval of budgets for tax exempt side of casino expansion

Removed from agenda.

3. Bulletin #20 – Adding stone to road over sanitary dyke

All of these bulletins are FYI items and require no motion by Council. There will be no changes to the guaranteed price.

This bulletin is for stone added to the sanitary dyke, which was done some time ago.

4. Bulletin #21 – Adding Michcon utility fees not in the base scope of work

The cost for this was \$65,000 and will be coming from Cunningham-Limp's contingency. Sam stated that the bulletin needs to state that this is coming from Cunningham-Limp's contingency.

5. Bulletin #22 – Adding stone to the temporary employee lot behind trailers

The cost was \$63,000. Again, this is an item from the contingency of Cunningham-Limp.

6. Bulletin #24 – Adding signage design fees

Cunningham-Limp agreed to pick up this cost, which is \$91,700.

7. Bulletin #25 – Subcontractor estimate for electrical processing equipment

This item is for equipment reconciliation needed for the project. Total cost of this is \$5,060.00. Porter asked why the work was done in June or July and why this is just coming to Council now. Fisher stated this is work that has already been completed and he was catching Council up. Sam stated the date might have not been

changed in the computer, as all of the bulletins appear to have the same date.

8. Bulletin #26 – Roof curbs for the kitchen equipment

This involves some modification to the roof curbs. This is a build up of the roof where the roof is penetrated for a vent pipe. This was not originally in scope of work. Cost was \$3,062.00.

IV. Old Business

V. New Business

A. Acceptance of Contract Modification from United States Department of Agriculture (USDA) and approving Budget modification to FY2001 Operating Budget

MOTION TO APPROVE RESOLUTION # 01-1107-02, ACCEPTING FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE IN THE AMOUNT OF \$11,424; by McCatty; support 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. Ruitter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

Sam stated that this resolution also approves modification of the Operating Budget.

B. Acceptance of Contract Modification from United States Environmental Protection Agency (USEPA) and approving budget modification to FY2001 Operating Budget

MOTION TO APPROVE RESOLUTION # 01-1107-03, ACCEPTANCE OF CONTRACT MODIFICATION FROM UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND APPROVING THE MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2001 IN THE AMOUNT OF \$85,000; by Kleeman; support 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
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Motion carried (9-0-0-0)

C. Resolution approving adoption of Commissions Ordinance, #01-100-06, and Direction for Implementation

Parsons stated that the Commissions have had a chance to review this Ordinance and make any comments and the Council has had several work sessions on this item.

McCatty had comments on the Ordinance. McCatty stated that on page 2, 1st paragraph, 3rd line, “or committee” needs to be deleted. House stated the word “committee” appears in this document as we are recognizing there are other forms of entities contained within the Tribe. McCatty asked about “two entities” being commissions and committees and then boards are listed later in the document. House stated this is appropriate. McCatty stated that in Section 5 it states having at least 5 commissioners and she stated that Natural Resources has only 1 commissioner and 4 associates. House states this is general referencing as it pertains to a member of a commission. Natural Resources Commission actually has 5 commissioners, 4 of which are identified specifically as associates. House stated this is appropriate.

McCatty stated that on page 3 the Ordinance talks about commissions shall be able to employ staff and that the chairperson of the commission shall be the supervisor of those employees. McCatty has a problem with that because she believes that these employees are employees of the Tribe and they should report to Administration rather than a commission member. Sam states in Article 5, Section 1 under letter E, the sentence that would govern that is “the commission shall have the authority to employ individuals if authorized to do so under its creating ordinance”. Shepard asked how this effects the Housing Commission. House stated the Gaming Commission is the only commission that she is aware of that actually has employees that report to the Gaming Commission. House recognizes that the Housing Commission has employees but it is unclear of where those employees stand. House states if this Ordinance is adopted the Council will need to meet with the Housing Commission to go through this Ordinance, develop bylaws and clarify some of the relationships. McCatty stated that commissioners should be the supervisor of those employees. House stated it came up in a work session of who supervises employees of the commission, not employees of the department. There was some confusion on who had that responsibility the idea was to narrow it down to one person who logically would have been the chairperson and that is what occurred at that work session. McCatty had a concern on page 4, terms of office – there are provisions in the Ordinance that would allow somebody to stay on an extra 90 days after their term has ended and she

believes that is a bit excessive. Porter stated that most of these questions were answered at work sessions of the Council. House stated that Section 7.02 does allow for a hold over of 90 days. It would be very irregular that this would come up and this gives a little leeway time to allow an appointment to be made so we don't lose a quorum.

McCatty went on to state that on the bottom of page 5 there is a section to do with resignation of a commissioner which would allow a commissioner to resign, put in the date they want to resign and at some point give them the ability to change their mind on that resignation. McCatty would like to strike the 5th and 6th lines. Sam stated this was incorrect and that letters of resignation are effective upon submission and may not be withdrawn once submitted and if withdrawn is subject to Tribal Council approval. Kleeman stated there have been 5 work sessions regarding this Ordinance. McCatty stated on page 7, there is a grammatical error, Section 8.02, 6th line down, "maintain an organization" and Section 8.03, 6th line down, "abstract" should be changed to "portion". House stated abstract could be removed.

McCatty asked about stipend for commissioners via phone with \$25 charge. House stated Binojeeuk is the only commission that allows this. McCatty stated that on page 11, b., "members" should be changed to "persons" in the household. House stated this would be an appropriate change. McCatty stated in Section 11.04, it states confidential "matter" should be "manner" and under 11.05, e., she recommends we remove that entire section. McCatty states the language of the document is somewhat confusing and she thinks it needs to be in the future, written so that it is understandable to the general public. House states that Section 11.05, e. actually identifies what types of information must be disclosed. There is a conflict of interest disclosure form and does not require that all the information be disclosed upfront, only if conflict arises. This requires that broad range of information be disclosed only if a conflict exists otherwise you would have to certify that there is no conflict unless specifically disclosed.

Parsons stated the Ordinance calls for the Ogema to appoint commissioners and have them approved by the Tribal Council and it is his understanding that in the Children's Code, the Binojeeuk Commission, is appointed by Tribal Council. There is no mention of the Ogema. House stated she deferred making the amendments to the Ordinance and it is in the adopting resolution and stated that within a 180 day period that the bylaws will be brought forward along with the amendments.

Fisher asked House if she thought there was anything that she thought the membership should know regarding the general purpose that we could discuss. House stated that this recreates a basic foundation between the

Tribe and the Commissions that are created by the Tribe. This is carried out by creating a significant number of standards. This will give certain amount of ability to Tribal Council to pinpoint information and pinpoint their own information within the bylaws.

MOTION TO APPROVE RESOLUTION # 01-1107-04, ADOPTING THE COMMISSIONS ORDINANCE # 01-100-06 AND DIRECTION FOR IMPLEMENTATION SUBJECT TO CHANGES ON PAGE 11 OF THE ORDINANCE UNDER SECTION 11 AS FOLLOWS, SECTION 11.02, LETTER B, CHANGE FROM “MEMBERS” TO “PERSONS” AND SECTION 11.04 TO CHANGE “MATTER” TO “MANNER”;
 by Sam; support by Kleeman.

Roll Call

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

Motion carried (8-1-0-0)

D. Resolution adopting Removal Rules and Procedures Ordinance, Ordinance # 01-100-07, and Repealing The Tribal Council Procedures: Removal Rules and Procedures: Appointed Boards, Committees and Commissions, Identified as Ordinance # 00-100-04

Parsons stated the Council is trying to develop some consistency in terms of removal policies and adopting this in conjunction with the Commissions Ordinance because it has removal procedures for commissioners as well. McCatty states that there is a portion in this document under hearing procedures which talks about having a closed meeting of Council and she believes that needs to be changed to a closed session portion of a meeting. Under the constitution we can't have a closed meeting but we can have a closed session. McCatty states in Section 4.02, the meeting may be a regular, special or emergency meeting but down below that, under Section 4.04, it says that it shall be a special meeting called a removal hearing meeting. House states cannot be at an emergency meeting because of the timing issue. House stated that a closed meeting versus a closed session may be a little too technical. Porter stated that under the regular, special or emergency meeting, the meeting is called just for the purpose of selecting a hearing date and is not the hearing itself.

MOTION TO APPROVE RESOLUTION # 01-1107-05, ADOPTION OF THE REMOVAL RULES AND PROCEDURES ORDINANCE, ORDINANCE # 01-100-07,

AND REPEALING THE TRIBAL COUNCIL PROCEDURES: REMOVAL RULES AND PROCEDURES: APPOINTED BOARDS, COMMITTEES AND COMMISSIONS, IDENTIFIED AS ORDINANCE # 00-100-04; by Kleeman; support by Ruiter.

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)

E. Ratification of the September 18, 2001 Memorandum of Agreement with the Indian Health Service for the Construction of Sanitation Facilities for the Dontz Road Development

Council did not receive the Memorandum of Agreement with the Indian Health Service. Yunis stated that John Anderson works for Indian Health Services and has been working with the Tribe for a long time and one specifically is with the Aki maadiziwin project for all the wastewater. This resolution has to do with the Construction Management Team component and the work that Anderson has been involved in. When Anderson is involved in non-home related things he has to charge a percentage of the total overall project to the Tribe, which is 1%. Yunis stated the amount is \$30,000 for the services that he has provided to the CMT in developing the whole water main. The Ogema signed these on September 18 and returned to him. Today we are asking for ratification. The MOA explains what he is going to contribute and what the Indian Health Service is going to contribute and at the end there is a budget. The budget is actually \$3,292,800, which is lower than what the actual budget is going to be for the overall project. The new budget is moving forward via Fisher and Willis and did not need appropriation. Sam asked if there is any impact if Council does not approve this today as she would like to be able to read the memorandum. Yunis stated there would be no impact. Fisher stated his apologies for not having the memorandum included in the packet today.

MOTION TO POSTPONE THIS ITEM UNTIL NEXT REGULAR MEETING NEXT WEDNESDAY; by Sam; support 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)

F. Resolution Authorizing Release of Judgment Fund Monies Held in Trust For Certain Minors Reaching the Age of Majority for October 2001

MOTION TO APPROVE RESOLUTION # 01-1107-06, AUTHORIZING RELEASE OF JUDGMENT FUND MONIES HELD IN TRUST FOR CERTAIN MINORS REACHING THE AGE OF MAJORITY FOR OCTOBER 2001; by Porter, support 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. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

G. Approving Appointment of Kathy Bowen to the Enrollment Commission

This appointment is for a four-year term.

MOTION TO APPROVE KATHY BOWEN'S APPOINTMENT TO THE ENROLLMENT COMMISSION; by Porter; support by Ruiter.

Sam questioned whether to abstain from voting when related to the appointee to the commission. House stated that there is no benefit over and above other Council members. McCatty asked if this appointment should be from September 21, according to the new Commissions Ordinance. Parsons stated this was submitted prior to the approval of the Commissions Ordinance and they have 30 days to get into compliance with this so we are essentially approving the appointment.

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)

H. Approving Appointment of Tina Vaquera to the Enrollment Commission

**MOTION TO APPROVE TINA VAQUERA'S
APPOINTMENT TO THE ENROLLMENT COMMISSION;**
by Kleeman; support 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)

**I. Resolution Adopting the Revised and Re-codified Election Ordinance,
Ordinance # 01-200-02**

Parsons stated that this Ordinance has gone through several work sessions with Council and the Election Board.

**MOTION TO APPROVE RESOLUTION # 01-1107-07,
ADOPTING THE REVISED AND RE-CODIFIED
ELECTION ORDINANCE, ORDINANCE # 01-200-02; by
Kleeman; support 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)

**J. Resolution Adopting of Utility Ordinance, #01-500-05, and Directing
Utility to Implement Such Ordinance and Develop Regulations**

Parsons stated this item has gone through several Council work sessions. McCatty asked about a job description for the director position. House stated this was posted, went through interviews and Steve Saingsbury has been hired and has been here for a few months. Bennett asked if he was a Tribal member. House did not know if he was Tribal. It is thought that he is a Saginaw Chippewa member. Willis stated there was a Little River Band Tribal member who had the certifications but they could not negotiate a salary.

**MOTION TO APPROVE RESOLUTION # 01-1107-08,
ADOPTION OF UTILITY ORDINANCE, # 01-500-05, AND
DIRECTING UTILITY DEPARTMENT TO IMPLEMENT
SUCH ORDINANCE AND DEVELOP REGULATIONS; by
Kleeman; support 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 – No

Motion carried (8-1-0-0)

K. Approving Appointment of Joe LaPorte to the Gaming Commission

Parsons stated this is an appointment for the remainder of a 4 year term previously held by Sue Schultz, which will end on 5/27/03. McCatty stated normally a background check is included with the appointment material and that this needs to be done in Closed Session.

MOTION TO DECLINE THE APPOINTMENT OF JOE LAPORTE TO THE GAMING COMMISSION; by Kleeman; support by Ruiter.

Roll Call

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

Motion failed (4-5-0-0)

MOTION TO POSTPONE ITEM ON THIS APPOINTMENT AT THIS MEETING AND PLACE IT ON THE AGENDA IN CLOSED SESSION FOR NEXT WEEK; by Sam; support by Porter.

McCatty asked for reason why want to do this. Sam stated Council cannot legally approve the appointment with the question that was raised in accordance with the ordinance.

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 – No	J. Sam – Yes

Motion carried (7-2-0-0)

L. Resolution Approving and Granting Easement to Michigan Bell Telephone Company for Right-of-Way For the Purposes of Building and Maintaining Underground Communication Lines

This is associated with the Aki maadiziwin housing project. Ruth Bussey is requesting the Tribal Council approve a resolution which will grant

easements to the Michigan Bell Telephone Company for right-of-way for the purposes of building and maintaining underground communication lines at Aki maadiziwin. The resolution was prepared by Helen Ann Yunis.

Yunis showed a map of the Aki maadiziwin property and what the easements would entail. There are three separate easements that need to be given. One is for Michigan Bell, one is for Consumers Energy and the other is for Michcon. They all need to have access to the property. The 100 foot easement is for them to access the roads and go over the roads so they have the right-of-way. This is an 80 foot road and then the easement is for 10 feet on both sides so they can dig their lines. Once they start drilling for the water line everyone will jump in and start going along there too. Medacco asked why they need such a big easement. Yunis stated they need to go over the roads in order to maintain their lines and then it is just 10 foot on either side. They will only actually be using 10 feet on both sides. Yunis has been assured that the easements were as narrow as possible. Gosling did lay this out for Bussey. This is part of an engineering site plan.

**MOTION TO APPROVE RESOLUTION # 01-1107-09,
APPROVING AND GRANTING EASEMENT TO
MICHIGAN BELL TELEPHONE COMPANY FOR RIGHT-
OF-WAY FOR THE PURPOSE OF BUILDING AND
MAINTAINING UNDERGROUND COMMUNICATION
LINES;** by Kleeman; support 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)

M. Resolution Approving and Granting Easement To Consumers Energy for Right-of-Way For the Purposes of Building and Maintaining Underground Electrical Lines

Sam asked if there are any tax implications that she is aware of that our Tribal members still be subject to the same State taxes or are there any other taxation issues where the Tribe could maybe tax these entities on the volume that they are pumping through the reservation. Yunis stated that she will addressing how different Tribes do this.

**MOTION TO APPROVE RESOLUTION # 01-1107-10,
APPROVING AND GRANTING EASEMENT TO**

CONSUMERS ENERGY FOR RIGHT-OF-WAY FOR THE PURPOSE OF BUILDING AND MAINTAINING UNDERGROUND ELECTRICAL LINES; by Kleeman; support 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)

N. Resolution Approving and Granting Easement To Michigan Consolidated Gas Company for Right-of-Way for the Purposes of Building and Maintaining Underground Natural Gas Lines

Medacco asked question if this is a main line or a service line. Ruth Bussey is not sure which one is being installed. Medacco stated the depth is different between a main and a service line.

MOTION TO APPROVE RESOLUTION # 01-1107-11, APPROVING AND GRANTING EASEMENT TO MICHIGAN CONSOLIDATED GAS COMPANY FOR RIGHT-OF-WAY FOR THE PURPOSES OF BUILDING AND MAINTAINING UNDERGROUND NATURAL GAS LINES; by Ruiter; support 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)

VI. Concluding Business

- A. Next Meeting Date(s) – November 14, 2001**
- B. Public Comment Period**

Shepard stated that the Cultural Preservation Committee would like to thank Council for their help at the Pow Wow. McCatty stated it is a gas main line that is being installed.

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 Ruiter; support 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)

This portion of Open Session was adjourned at 2:45 p.m.

Council reconvened in Open Session at 3:55 p.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 – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

MOTION TO OPEN THE AUDIO VISUAL RESOLUTION FROM CLOSED TO OPEN AND ONLY THE RESOLUTIONS, NOT THE CONTRACT, AND ROLL CALL VOTES; by McCatty; support 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)

House suggests not opening the letter from the Ogema and that this should remain in Closed Session.

4:00: p.m.

MOTION TO ADJOURN; by Sam; support by Kleeman.

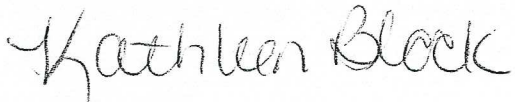
Roll Call

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 4:03 p.m.

Respectfully Submitted,



Kathleen Block
Transcribing Assistant


Janine Sam
Tribal Council Recorder

