

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held October 23, 2009 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota.

Meeting called to order at 9:14 a.m.

Members Present: Kevin W. Leecy; David C. Morrison, Sr.; Cathy Chavers;
Ray Villebrun, Sr.; Ray Toutloff

Members Absent: None

Others Present: Barb Brodeen; Henry Goodsky; Vicki Villebrun; Andy Datko; Dave Anderson; Kim Dahl; Wendy Thompson; Doris Isham; Karlene Chosa; Carol Burr; Bill Tibbetts; Elaine Tibbetts; Jim Johnson; Shannon Tibbetts

Moved by David Morrison, Sr.; seconded by Cathy Chavers; to approve the agenda. Carried 4-0-0.

Invocation by Henry Goodsky.

Moved by Ray Toutloff; seconded by Cathy Chavers; to approve the minutes of a special meeting of the Bois Forte Reservation Tribal Council held September 30, 2009 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to adopt resolution #45-2010, submission of a grant application to Indian Health Service for continuation funding for the Special Diabetes Program for Indians. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Cathy Chavers; to approve the grant contract #442385 with the State of Minnesota Department of Human Services for the Bois Forte Chemical Dependency Program. Carried 4-0-0.

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to adopt resolution #46-2010, grant agreement #2010-CVS-00309 with the Minnesota Department of Public Safety Office of Justice Programs for the Bois Forte Victim Services Program. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to adopt resolution #47-2010, approval of the Bois Forte Sex Offender Registration and Notification Act (SORNA) Code, to be effective November 1, 2009. Carried 4-0-0.

Carol Burr said Mark Anderson is still reviewing the Dynamic Homes Builder Sales Agreement and he has a couple concerns on it so she is requesting approval of it contingent on his changes to it. She wanted it approved by Tuesday because Housing is sending out bids for the duplex project on Tuesday.

Moved by Cathy Chavers; seconded by Ray Villebrun, Sr.; to table the Dynamic Homes – Builder Sales Agreement, so the Council can see the agreement first. Carried 4-0-0.

Dave Anderson and Andy Datko give an update on how far along the construction is on the Government and Community Services Facility project. There was a bid opening on Bid Package #3 on October 20 (steel, steel erection, operable partitions, hydraulic elevator, and plumbing/HVAC). Andy Datko and Dave Anderson are recommending going with the low bids. Andy is asked if the Council needs to approve those. Andy said the Bois Forte Redevelopment Corporation will need to authorize Kraus-Anderson to accept the low bids, that no formal action of the Council is required. The bid opening for Bid Package #4 (electrical and interior finishes) will be on November 18. Andy is asked about the issue with Jose Vidal. Andy said they are following the Band's procurement policy which has Native preference for Native contractors. Glacier Refrigeration and Lumbar Mechanical and any other Native-owned companies were encouraged to bid and they were also encouraged to talk with some of the other bidders if they wanted to go in as subcontractors as opposed to going in as a prime, and it was their choice. Glacier talked to a few of the prime contractors and took their prices and applied a markup and submitted a bid but didn't provide them with any prices as a subcontractor. Radotich has been talking with Lumbar about coming in as a subcontractor and doing part of the work under Radotich. Under the procurement policy for Native owned companies there is the X-factor, where they need to bid competitively, and when the bids are open, if the Native owned firm is within a certain percentage of the low bid they would be awarded the bid. The percentage is on a sliding scale based on what the low bid was. Glacier Refrigeration and Lumbar Mechanical are both significantly higher than the allowable X-factor. Andy said they will be recommending going with the low bids and try to have them work with Native subcontractors whenever possible.

Andy Dakto said another key issue with the project is financing. All the documents for the new market tax credit financing have been signed by Bois Forte. Wells-Fargo will sign today, but the actual deal won't close until Wednesday or Thursday. That is not an issue unless it delays construction. Andy will be having a conference call with Kraus-Anderson and Wells Fargo this afternoon. Kraus-Anderson needs assurance that the deal is happening because they can't award any more subcontracts until the financing is closed.

Andy and Dave are asked if 50% hiring of Band members have been met. Dave said they are above 80%.

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Andy is asked about the trees that got damaged by the fire. Andy said Dave Larson did look at the trees and the ones that got damaged were cut down and removed. There were some that looked damaged but Dave Larson thought those might regenerate and will look at them again in the spring.

David Morrison, Sr. said he got a voicemail from a "Monty" requesting someone from Bois Forte to come to a conference at Two Harbors and let them know about the action taken following the fire because they want to come up with an action plan that anyone can use. Andy will follow up on this.

Moved by Ray Villebrun, Sr.; seconded by Cathy Chavers; to adjourn the meeting at 10:12 a.m. Carried 4-0-0.