

Minutes of a regular meeting of the Bois Forte Reservation Tribal Council held April 11, 2013 at Nett Lake, Minnesota.

Meeting called to order at 9:08 a.m.

Members Present: Kevin W. Leecy; David C. Morrison, Sr.; Brandon Benner; Karlene Chosa; Ray Toutloff

Members Absent: None

Others Present: Corey Strong; Mark Anderson; Vicki Villebrun; Kim Greiner; J. Kay Davis; Clint Miller; Vanessa Little; Miranda Lilya; Patrick Connor; Millie Holmes; Sidra Starkovich; Frank Barto; Franklin Barto; Angie King; Joel Astleford; Pete Drift, Sr.; Andy Datko; Edith Villebrun; Regina Howe; Darren Landgren; Angela Wright; Tracey Dagen; Muriel Deegan; Jim Johnson; Kevin Koski; Donald Chosa Jr.; Bill Whiteman; Jeneal Goggleye; Randy Long; Tom Burr; Gary Gotchnik; Dawn Benner; Rose Berens; Robbie Goggleye; Bill Latady; Roger Wakemup; Billie Mason; Stan Day; Gordon Adams Jr.; Wendy Thompson; Jeanine Whiteman; Chris Holm; Marlan Day

Chairman Leecy: I'll ask for review and approval of the agenda.

Karlene Chosa: Mr. Chairman. Council. I would like to change one of the things that was on the executive session into the general session. I feel it was a mistake that it was put into the executive.

Chairman Leecy: Which item?

Karlene Chosa: The contract – Jeneal Goggleye's.

Chairman Leecy: Do we always put personnel?

Karlene Chosa: It isn't a personnel matter. We've always had contracts brought out in general session.

Ray Toutloff: Contracts? Contracts are in executive.

Chairman Leecy: Corey, any comment?

Corey Strong: Contracts are in executive?

Ray Toutloff: Yeah, contracts are in executive, personnel contracts.

Karlene Chosa: It is not a personnel matter.

Chairman Leecy: Mark I, we just need a legal opinion. I don't have a problem with that. I just want to make sure that if it has anything to do with contract or personnel or any other matter.

Mark Anderson: Well, I think in the past the contracts that have been proposed for employment of individuals have been in executive.

Karlene Chosa: No, just last week we approved a contract for Axel Holmes for gardening.

Page 2  
Regular Meeting  
April 11, 2013

Mark Anderson: I think the distinction between that one and this one is that Axel was being hired as an independent contractor to perform a specific task, and this one is a contract employee under the critical health professions.

Karlene Chosa: They are not an employee. It is not a personnel matter is what I am saying.

Mark Anderson: But this would, if this contract were approved, it would be an employee.

Karlene Chosa: It's for transparency and accountability for the council. You know, to let our Band members know.

Mark Anderson: Well that is a council decision. Generally speaking, when we've considered hiring people, whether it's been through the normal hiring process, or whether it's been a contract employee under the health, critical health professionals contracts, those have been held in executive. And the reason for that is that this is going to be an employee and if it is held in executive session the council members can freely debate and candidly state.

Karlene Chosa: Well, it sounds like it's already been passed then, so I guess I will bring my argument into executive session.

Brandon Benner: I guess what I'd like to know is, you just stated it's a council decision. Correct?

Mark Anderson: Yes.

Brandon Benner: So, to me there would be no problem discussing it in the open. I guess I'm for discussing it in the open.

Pete Drift Sr.: Mr. Chairman, I don't really know what you are talking about here. Are you hiring someone?

Chairman Leecy: It is a contract for services at the clinic, with an individual.

Karlene Chosa: And I thought it was brought by accident in executive session when it should have been brought out into the general session for our Band members to know. I mean, we can't keep everything hidden.

Chairman Leecy: Just for clarification, Karlene, are you withdrawing your motion, or is that a motion?

Page 3  
Regular Meeting  
April 11, 2013

Karlene Chosa: I want a motion to bring that into general session, but I want a roll call vote.  
Chairman Leecy: Motion by Karlene to transfer the agenda item contract to regular session from executive.

Brandon Benner: Second.

Chairman Leecy: Second by Brandon. A roll call vote has been asked for. All in favor. I will start with Karlene, yes or no, to move it.

Karlene Chosa: Yes. I would like a roll call vote.

Chairman Leecy: Okay, so your vote is yes. Dave?

David Morrison, Sr.: Mark, you said that, well I know, I can see where Karlene is coming from. You know, I know that there has been some contracts that we have approved, that we do approve in regular open meetings. But then there are contracts that you said that we do have that should be in executive session right?

Mark Anderson: Well that have been, to my recollection is that these have always been done in executive session. But as I indicated, it is a council decision. There is no law in the bylaws or anywhere else that says you can't discuss this in regular session.

David Morrison, Sr.: And in the past, our medical contracts, or whatever, have always been in executive session?

Mark Anderson: That's my recollection.

Karlene Chosa: No, that ain't true.

David Morrison, Sr.: What do you mean?

Karlene Chosa: They've always been brought out here. You know, the dental, or no, what did we, we did a few contracts here not too long ago.

Mark Anderson: We have done contracts for services with special providers like nutrition providers, podiatrists, but not for persons who will be treated as an employee, a contract employee.

Karlene Chosa: Okay.

Mark Anderson: That's the distinction.

Page 4  
Regular Meeting  
April 11, 2013

Chairman Leecy: Well, while we are on discussion, Ray do you have any?

Ray Toutloff: Did Dave vote?

David Morrison, Sr.: No, not yet. But if you want to say something.

Chairman Leecy: We'll call for discussion.

Ray Toutloff: Okay. I would be against it because I have always understood that contracts for employees were done in executive session. I think we would be setting a precedent. And if we're going to do this one contract in open session, then we'd be setting a precedent. There would be no reason to have any contracts discussed in executive session so I would be against it. If we've done contracts in open session before for individuals I don't recall. But I think we better be careful and not do them in open session. To me it's a personnel matter, dealing with personnel issues, and so I would have to go against it, against the motion to have it in open session.

Pete Drift Sr.: Mr. Chairman, I just have a question. Is it a specialized job? I'm not understanding. Is it specialized, or is it something I could apply for?

Chairman Leecy: Well that's what we're debating, if we can debate it in public, and we're not at that point yet, until we take the vote.

Pete Drift Sr.: I'm wondering if this is something that any of us can apply for?

Chairman Leecy: And we can answer that once we, if we decide to go that way. We'll have more discussion.

Brandon Benner: I think we do everything, a lot of things on a case-by-case. Some are, you know, we have to do this way, some we have to do that way, that's part of tribal government. To me, if you're confident in what this job is about, and if this individual, which I think she would be confident, and the reasoning for it. I guess I'd like a reason why we can't discuss it out here because what's going to happen is this person is going to start, and you are going to have typical backlash of, this job wasn't posted. This job wasn't whatever. And you know, we're gonna answer that. So I don't see any reason why we shouldn't discuss it. I think one of the reasons that this, way back when this individual was, I think her political views have always been to try to open things up.

Karlene Chosa: Thank you Brandon. Thank you very much.

David Morrison, Sr.: Did you vote then, Benner?

Page 5  
Regular Meeting  
April 11, 2013

Brandon Benner: My vote is yeah, open.

David Morrison, Sr.: I'm going to vote against it also. But this is something that is going to be discussed in executive session. And like we said, we don't even know if it is even going to pass in executive session. Right now there is discussion on the table to talk about this issue, whether it should have been a position that should have been posted or not. But then again that could be talked about in executive session, so I'm going to vote against bringing that up. We are going to discuss that in executive session and then more than likely it probably be a position that will be posted.

Chairman Leecy: I'm also going to vote no, based on the issue of the personnel issue and we've always, we have a duty to protect the personnel information.

Vote is 2-3-0. Ray Toutloff against. David Morrison, Sr. against. Chairman Leecy against.

Moved by Ray Toutloff; seconded by Karlene Chosa; to approve the agenda with the addition of Kim Greiner with Direct Payment Services and Opening of Bank Accounts. Carried 4-0-0.

Moved by David Morrison, Sr.; seconded by Ray Toutloff; to approve the minutes of a special meeting held March 6, 2013 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota. Carried 4-0-0.

Elders Committee: Donald Chosa Jr. informs the council at the last elder meeting the following individuals elected as officers to the Elders Committee: Bernard O'Leary as Chairman, Donald Chosa Jr. as Vice-Chair, Beverly Steel as Secretary, and Peggy Connor as Treasurer.

New tribal government employees: Edith Villebrun introduces Regina Howe as the Accounts Payable Data Entry Clerk, and Darren Landgren as the Receiving/Delivery Clerk. Sidra Starkovich introduces Patrick Connor as the Part-time On-Call Bus Driver.

Rhonda Hoagland is not present but Corey Strong said her item – Bill payment with Debit or Credit Cards will probably be addressed when Kim Greiner presents her Direct Payment Services item.

Gary Gotchnik informs the council and audience they attended a conference in Wisconsin on internet gambling. He said it will probably happen within the next few years. Some states are preparing, Nevada, some eastern states. Everyone is waiting for the federal government to pass a new law to be able to gamble online. Gary said Fortune Bay is looking at that, maybe doing it alone or teaming up with other smaller tribes. There is also an issue with the state trying to raise funds for the new Viking stadium. That will be a topic in this legislative session. There will be a MIGA meeting on Monday that Fortune Bay and the council will be

Page 6  
Regular Meeting  
April 11, 2013

attending and will try to stop expansion of gaming on the state side.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to adopt resolution #83-2013, authorizing the YMCA and its agents to sell raffle tickets and to hold the drawing for the winning tickets within the territory of the Band. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Brandon Benner; to adopt resolution #84-2013, authorizing the National Turkey Federation and its agents to sell raffle tickets and to hold the drawing for the winning tickets within the territory of the Band. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to table resolution #85-2013, application to the Minnesota Chippewa Tribe for an off-sale beer license and an off-sale 3.2 beer license for the Fortune Bay Marina, for more discussion on the concerns and questions about selling the beer. Carried 4-0-0.

Moved by Karlene Chosa; seconded by David Morrison, Sr.; to adopt resolution #86-2013, modification to Kay Palmer lease to adjust the annual rental rate from \$50.00 to \$0.00, to be consistent with Band member lease rental rates. Carried 4-0-0.

Moved by Karlene Chosa; seconded by David Morrison, Sr.; to adopt resolution #87-2013, recreational lease for Roger A. Toutloff Jr. Carried 3-0-1. Ray Toutloff silent.

Moved by Brandon Benner; seconded by Karlene Chosa; to award the bid for the courthouse repair work to MB Customs Development in the amount of \$45,507. Carried 4-0-0.

Andy Datko is asked to put another box on the bid forms for notifying TERO early in the process.

Dawn Benner said the procurement policy needs to be updated because it is outdated and not being followed. She also feels someone who knows about TERO should be involved in that. Kim Greiner said that is one of the projects for this spring.

Moved by David Morrison, Sr.; seconded by Ray Toutloff; to award the bid for the work associated with the new ballfields at Nett Lake and Vermilion to the low bidder, Veit and Company, Inc. in the amount of \$307,848.75. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve JPJ Engineering to do the topographic survey work at the Johnson Lake property for the language/cultural immersion camp project in the amount of \$14,853.00. Carried 3-0-1. Karlene Chosa silent.

Page 7  
Regular Meeting  
April 11, 2013

Donald Chosa Jr. informs the council that Clint Miller was appointed as the Vermilion representative to the elders committee.

Andy Datko said the Minnesota Chippewa Tribe receives a grant each year from the Economic Development Agency (EDA) of the U.S. Commerce Department for economic development planning. The grant funds one position at the MCT, and then disburses about \$11,000 to each of the MCT Bands. The grant is to be used to assist each Band with the development of a Comprehensive Strategic Development Strategy (CEDS). The MCT Bands are required to prepare a new CEDS document by October of this year. One of the items required to prepare the document is a CEDS Strategy Committee needs to be appointed. Andy has a list of names of the individuals he feels should be appointed. Andy will check with those individuals to see if they want to serve on the committee and he will bring the names back to the next RTC meeting for appointments.

Moved by David Morrison, Sr.; seconded by Brandon Benner; to approve utilizing Emergency apparatus Maintenance of Lino Lakes, MN as the Nett Lake Fire Department's sole-source contractor for all vehicle maintenance and repair work. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the Vermilion Powwow Committee to hold a fundraising raffle for the Lake Vermilion Powwow being held in June, 2013. The raffle will be from now until June 17. Carried 4-0-0.

Tracey Dagen and Muriel Deegan are requesting approval from the council for the Vermilion Powwow Committee to participate in the Kickstarter project which is an online fundraising program where individuals pledge money. The goal is to raise \$5,000. Depending on the amount a person pledges the person will receive a mug, cooler, t-shirts, room stay at Fortune Bay, round of golf for 4 at the Wilderness or other items.

Moved by Ray Toutloff; seconded by Karlene Chosa; to approve the Vermilion Powwow Committee participating in the Kickstarter project with a goal for \$5,000 or more, and for the RTC to be the fiscal agent. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Brandon Benner; to approve the Vermilion Powwow Committee to submit a \$5,000 grant request to the Shakopee Mdewakanton Sioux Community for funds for the Lake Vermilion Powwow, and also a letter of support. Carried 4-0-0.

Moved by Karlene Chosa; seconded by David Morrison, Sr.; to approve the Vermilion Powwow Committee to submit a \$2,500 grant request to Lake Country Power for funds for the Lake Vermilion Powwow. Carried 4-0-0.

Page 8  
Regular Meeting  
April 11, 2013

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the Vermilion Powwow Committee to submit a \$500 grant request to the Security State Bank for funds for the Lake Vermilion Powwow. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Ray Toutloff; to approve the Vermilion Powwow Committee to submit a \$1,000 grant request to Minnesota Power for funds for the Lake Vermilion Powwow. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve Team Bois Forte to conduct a fundraising raffle for the Powwow for Hope. The raffle will be from now until April 29. Carried 4-0-0.

Moved by David Morrison, Sr.; seconded by Brandon Benner; to adopt resolution #88-2013, requesting the BIA to transfer East Bois Forte Road, Route 99 roadway from the BIA Indian Reservation Roads Inventory to the Bois Forte Band. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Ray Toutloff; to approve the revision of the Utility Assistance Program to allow eligible Bois Forte Band Member individuals 55 years and older or disabled, regardless of past due accounts, to participate in the Utility Assistance Program at the established monthly rate for services. But, that to maintain their eligibility, they must pay their regular monthly payment and an additional \$20.00 per month towards their arrears if any. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the request for enrollment books at the Nett Lake and the Vermilion Clinic. Angie King will print the books and destroy the old books. Vote is 2-2-0. Karlene Chosa against. Brandon Benner against. Chairman Leecy breaks the tie by voting for. Motion carried 3-2-0.

Moved by Karlene Chosa; seconded by Brandon Benner; to approve the submission of the grant application renewal to the Minnesota Department of Human Services for the Bois Forte Support Services for Homeless Rural Youth program. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the lease with AT&T for the water tower at Fortune Bay. Carried 4-0-0.

Moved by Brandon Benner; seconded by David Morrison, Sr.; to close three bank accounts because they are no longer used or needed: Frandsen Bank & Trust Account #49736 and #4973650, Morgan Stanley Account #785-633356-301, and Morgan Stanley Account #358-115229-516. Carried 4-0-0.

Page 9  
Regular Meeting  
April 11, 2013

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the purchase of a fixed asset module from Civic Systems. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Brandon Benner; to open a bank account for the Nett Lake Duplex Reserve Account per the funding agreement. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the activation of the Direct Payment feature of the Bois Forte tribal government's cash management services with the American Bank. With this feature a customer fills out an application for Direct Payment from their bank account for payments that would be made by cash or check to the Bois Forte Tribal Government. Carried 4-0-0.

In regard to accepting credit/debit cards for payments for bills, Kim Greiner said there are a lot of fees for that. The Heritage Center accepts those and pays about \$1,000 a year in fees. Kim also said there are issues with accepting the cards because federal programs are involved and you can't charge the fees to the federal programs. Kim said there are other issues that she would need to research. Kim will do more research.

Moved by Karlene Chosa; seconded by Ray Toutloff; to approve the agreement between the Band and U.S. Steel Inc. for someone to interview people to identify and provide documentation on historic properties of significance to the Band on lands within the direct or indirect APE of the proposed Minntac Progression project. Carried 4-0-0.

Moved by Brandon Benner; seconded by David Morrison, Sr.; to appoint Robbie Goggleye as Chair of the Bois Forte Utility Advisory Committee. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Ray Toutloff; to approve an updated Bois Forte enrollment book for the 1854 Treaty Authority which includes the date of birth and date of death for purpose of issuing 1854 ID cards. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Ray Toutloff; to adjourn the meeting at 11:22 a.m. Carried 4-0-0.