



Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle, Harbor Springs, MI 49740
Council Chambers
Land and Reservation Committee
January 19, 2018

Call to order: 9:08 a.m.

Committee Member Roll Call: Committee Chair Marcella Reyes, Councilor Emily Proctor

Absent: Councilor David Harrington

Tribal Council Present: Councilor Frank Bernard; Councilor Dexter McNamara;

Legislative Staff Present: Legislative Services Attorney Donna Budnick, Senior Financial Analyst Rachel Cope, Legislative Administrative Assistant Linda Gokee, General Counsel Jim Bransky, Executive Legal Assistant Su Lantz, Tribal Historic Preservation Officer Wes Andrews

Executive Staff/Official Present: Ziibimijwang, Inc. Board Member-Joe VanAlstine, Natural Resource Director Doug Craven, Natural Resources Conservationist Noah Jansen, Environmental Services Manager Daugherty Johnson, Geographical Information System (GIS) Director Alan Proctor, Interim Planning Director Amanda Swiss, Housing Director John Givens, Housing Program Specialist Linda "Kaye" Rowland, Direct Services Administrator Phil Harmon, Vice Chairperson Stella Kay

Judicial Staff/Official Present: Court Administrator Michael Wolf

Guests: Odawa Casino Resort Director of Property Operations Barry Laughlin, Odawa Casino Resort Electrical Technician Dave Heinz

Public: Tribal Citizen Bea Law, Tribal Citizen John Keshick III, Tribal Citizen Andrew Stitch, Tribal Citizen John Kawegoma, Tribal Citizen Virginia Lewis, Tribal Citizen Cynthia Reed, Tribal Citizen "Petchiese" Carol King, Tribal Citizen Frank Ettawageshik, Mark Shall

Motion made by Treasurer Reyes and Supported by Councilor Proctor to adopt the agenda for January 19, 2018 as presented.

Comments: none

Vote: 2-yes; 0-no; 0-abstain; 1-absent (Councilor David Harrington)

Motion Carries

Motion made by Treasurer Reyes and Supported by Councilor Proctor to approve the Minutes of December 15, 2017 as presented.

Comments: none

Vote: 2-yes; 0-no; 0-abstain; 1-absent (Councilor David Harrington)

Motion Carries

Phone Polls: none

9:15 a.m. Committee Member David Harrington arrives.

Old Business

Discussion: Legislative Service Attorney Donna Budnick has finalized the Deposition Schedule with Hogen Adams and would like to coordinate the Three Tribes 2018 Spring Meeting around this date as Little River Band of Ottawa Indians and Grand Traverse Band of Ottawa and Chippewa Indians would like copies of the expert report. A tentative date would be in mid April or thereafter. Treasurer Reyes would like the Three Tribes meeting put on the next Land and Reservation Committee meeting agenda.

Motion made by Councilor David Harrington and Supported by Councilor Proctor to set the Three Tribes Spring 2018 Land and Reservation Meeting tentatively for May 11, 2018.

Comments: none

Vote: 3-yes; 0-no; 0-abstain; 0-absent

Motion Carried.

Discussion: Update given by Natural Resources Director Doug Craven and the Natural Resources Conservationist Noah Jansen in regards to the tree removal contract on the Tribes Waawaashkesh property with a private contractor versus following the 36 CFR 800 Subpart B- The section 106 Process. The Bureau of Indian Affairs (BIA) is tasked with the National Historic Preservation Act (NHPA) on Tribal land holdings and oversees all aspects of timber sales. The BIA would conduct an advertisement for bids which means an invitation by the BIA for soliciting bids for a Tribal Timber sale. A Complete Bid means a complete properly signed offer submitted in accordance with the Advertisement for Bid requirements, by a logger to contract or perform the work designated, or a portion thereof for the amounts stipulated therein. As of this date, the BIA warehouse has received no bids and it's been over a year. The timber money acquired through sale is reverted back to the BIA, who will then take an automatic 10% for administrative purposes before the money is returned to the Tribe. The returned money goes into the Tribes General Fund. The Natural Resource Department would then submit an exemption to this rule and request the money be returned to their department to purchase and replant hardwood trees. The BIA has no interest IF the Tribe had to pay a business to remove diseased trees or trees that have no money value. The cost to remove these types of trees from the Waawaashkesh property would cost the Tribe \$8,000 to \$50,000.

-From the perspective of Tribal Historic Preservation Officer (THPO) Wes Andrews, he is requesting to be notified of any 106 Process. Wes is working on Policy and Procedures to better the communication between NRD and THPO due to the fact he is notified by Washington DC of land surveys whereas the departments should have notified him directly. Communication is essential in completing the 106 Process. Furthermore, there will be changes to the Federal 106 Logging Process which, when received, Wes will forward them to Doug Craven.

-The Waawaashkesh and Indian Town properties will be archeological surveyed once the ground has thawed.

Discussion: Ziibimijwang, Inc. Chairperson Joe VanAlstine spoke of how the farm would utilize the Bell's property by selling products from the farm via a Farmer's Market (Mackinaw City currently has no such market), to both the Grand Hotel & Mission Point Hotel, and Mackinaw Island Public Schools. As for the existing building on Bells, the farm board would create a food hub. They would charge a fee for storing fresh produce and shipping (via ferry) fresh produce to Mackinaw Island businesses. The cost to ship the food would be absorbed by those businesses

purchasing the fresh produce. The building already has adequate refrigeration, freezers and food packaging equipment but would need some remodeling to bring the building up to code.

- Councilor Proctor is supportive of a food hub, however, the farm board needs to be aware of the transition cost for making the food hub and the yearly property tax of \$30,000. The Executive branch is discussing a plan for either a museum or additional parking for visitors to the island.

- Councilor McNamara is supportive of the food hub. He is requesting language be included in either a Certified Motion or Tribal Resolution stating the land would revert back to Tribal Council if the business is not successful.

- Secretary Kiogima would like a Certified Motion reverting the property back to Tribal Council.

Motion made by Councilor David Harrington and Supported by Councilor Proctor to table the recommendation to Tribal Council to approve Certified Motion Designate Land Use of Bells, 229 S. Huron Road, Mackinaw City, Michigan to Ziibimijwang, Inc to the next Land and Reservation Committee meeting scheduled for February 2, 2018.

Comments: none

Vote: 3-yes; 0-no; 0-abstain; 0-absent

Motion Carried.

Discussion: Waganakising Odawak Statute Lease Inheritance will incorporate changes to include the spouse and children of a deceased Tribal Citizen would be allowed to live in housing for the remainder of the fifty (50) year lease; a lease can be willed to a family member, relative or friend to fill out the remainder of the lease but this person must be a Tribal Citizen; and remove the age 18 from language.

- Tribal Housing Director John Givens stated there are 15-20 lots that have been vacant for 20 years and only 3 houses have been built by Tribal Citizens.

- Councilor McNamara is concerned that descendants of Tribal Citizens would be excluded from inheriting.

- Treasurer Reyes feels more discussion is needed from Tribal Council and Tribal Citizens.

Break: 10:04 a.m.

Meeting Resumes: 10:25 a.m.

New Business:

Review of current Tribally owned property sites for potential affordable housing that include Murray Road (80 acres), Heynig Road (80 acres), Monroe Street (3/10 acre), Second Street (1 ½ acres) and Cemetery Road (37 acres). A 2-story duplex or a quad would be the build of choice for the Monroe Street property as the acreage is small.

A PowerPoint presentation on Alternative Energy Sources for Housing Development Plan with two (2) handouts titled "What are Zero Energy Homes" and Odawa Casino Resort Energy Reduction Committee (ERC) Zero Net Energy as presented by Odawa Casino Resort Electrician Dave Heinz.

- There are over 100 Renewable Energy Grants available.

- Solar array utility grade scale. This would power 30-40 houses, 3-4 acres and \$1.2 million dollars to build.

- Buy all or Sell all solar power. Both Great Lakes Energy (GLE) and Wolverine Power Cooperative would buy at \$.10 per kwh for 20 years (GLE) and Wolverine Power at \$0.10 per kwh for 10 years.
- Wind power does not work in Michigan. Wind power works better 160 feet above the Great Lakes.
- Zero (geo thermal) and Net Zero energy efficient homes would raise the building costs by 25%.
- Great Lakes Energy will give rebates for correct construction of homes such as the amount of insulation, etc.
- Natural Resources Director Doug Craven states his department has studied all of the green energy ideas and are available to work with Tribal Council and Housing.
- What is a solar array? A combination of several solar panels.
- Councilor Shananaquet: What would it look like? Solar arrays versus airtight houses? Cookie cutter houses versus efficient tiny houses? What is the replacement cost of an array?
- OCR Electrician Dave Heinz responds to Councilor Shananaquet: Solar panels are typically 3x6 or 4x6.



Change the appearance of the “cookie cutter” house and not the core. Should limit house plans. There are new innovations for aesthetics. Unsure of the replacement array cost as arrays are now modules-you can fix one part versus replacing the whole panel. There would be warranties on the panels.

- Councilor Harrington: Consider thermal PV arrays for rooftops.
- OCR Electrician Dave Heinz responds to Councilor Harrington: If arrays are placed on a parking garage or rooftop, engineering would need to be re-evaluated.

Lunch Break: 12:01 p.m.

Meeting Resumes: 1:36 p.m.

Discussion: Affordable housing cost, types of housing, housing tax credits, alternative energy sources, and potential grants to fund housing and green energy.

-Housing Director John Givens expressed the Tribe needs to decide where and who will live in the housing as this needs to be determined before the Tribe can begin the tax credit applications. 24 housing units is the threshold for tax credits. The Cemetery Road property would be the most practical for tax credits but requires a site plan.

1:41 p.m. Councilor David Harrington arrives.

- Secretary Kiogima prefers the Monroe Street property for Transitional Housing with a shared kitchen/living room, and bedrooms would be separate.
- Councilor McNamara reiterates Transitional Housing is to temporarily help Tribal Citizens and is not a permanent housing solution.

- Elder housing versus Assisted Living. There is currently 1,344 Tribal Citizens 55+. There will be 1,201 Tribal Citizens who will become 55+ in the next 10-15 years.
- GIS Director Alan Proctor suggests the Planning Department to complete several feasibility studies of “potential wants’ to present to Tribal Citizens.
- Treasurer Reyes suggests the Executive direct the Housing Department to put out a survey to Tribal Citizens asking what would their housing needs be.
- Legislative Services Attorney Donna Budnick inquired how much money is Tribal Council willing to put towards housing and will the grant writers be able to secure funds through grants.

2:42 p.m Break

2:59 p.m. Meeting Resumes

3:00 p.m. Public Comment Opens

- Tribal Citizen John Keshick III supports Tax Credits, encourages Tribal Council to visit the Fond du Lac Indian Tribe’s Duluth MN housing and apartments built by tax credits, and would like to see either one (1) house or one (1) duplex be built once a year until the tax credits become available.
- Tribal Citizen “Petchiese” Carol King asked if the Tribal Clinic will expand in its current location, can an apartment complex be built on the Bell’s property, and funding is needed for transitional and low income housing.

3:09 p.m. Public Comment Closed

- Councilor Proctor gives a recap of today’s meeting from the easel notes.
- Interim Planning Director Amanda Swiss states Housing and Planning have been working on a feasibility study for the Second and Monroe Street properties. She suggests Tribal Council create an Ad-Hoc Committee that represents Legislative, Housing, Planning, and the Executive in regards to affordable housing land use and to report updates to our Tribal Citizens.
- Treasurer Reyes asked who is paying for the feasibility study? Amanda informed her the Executive is covering the expense for Second and Monroe Streets.
- Councilor Harrington wants to know how much the housing would cost and is the Tribe able to fund it? Thus ending the affordable housing presentation.

Discussion: General Counsel Jim Bransky informed the Land and Reservation Committee of a Tribal Citizen who has expressed he would like to donate his land to the Tribe upon his passing. Legislative Services Attorney Donna Budnick suggests reviewing the WOS 2015-11 Donated Land Acceptance policy at the next Land and Reservation meeting.

Discussion: Revisit the Ziibimijwang, Inc. use of Bell’s property.

- Councilor Proctor would prefer the Ziibimijwang, Inc. board to focus on the farm before they venture into a new business.
- General Services Attorney Donna Budnick suggests setting deadlines for the farm, at which IF unsuccessful, sell the property as Councilor McNamara has suggested.

3:56 p.m. Motion made by Councilor David Harrington and Supported by Councilor Proctor to adjourn.

Comments: none

Vote: 3-yes; 0-no; 0-abstain; 0-absent
Motion Carries

Next Meeting Date: Friday, March 2, 2018 at 9:00 a.m.
(February 2, 2018 meeting cancelled due to lack of agenda)

Approved