

# KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center  
107 Beartown Road  
Baraga, Michigan 49908  
Phone (906) 353-6623  
Fax (906) 353-7540

## 2006 TRIBAL COUNCIL

SUSAN J. LAFERNIER, President  
WARREN C. SWARTZ, JR., Vice-President  
LARRY J. DENOMIE III, Secretary  
DOREEN G. BLAKER, Asst. Secretary  
TONI J. MINTON, Treasurer

FRED DAKOTA  
WILLIAM E. EMERY  
MICHAEL F. LAFERNIER, SR.  
GARY F. LOONSFOOT, SR.  
ELIZABETH "CHIZ" MATTHEWS  
ELIZABETH D. MAYO  
SHAWANUNG

## MINUTES KEWEENAW BAY INDIAN COMMUNITY TRIBAL CENTER CONFERENCE ROOM SPECIAL COUNCIL MEETING THURSDAY – AUGUST 17, 2006 – 9:00 A.M.

APPROVED  
10-19-06

- A. Date: August 17, 2006
- B. Call to Order: President LaFERNIER called the meeting to order at 9:13 a.m.
- C. Invocation: Lord's Prayer  
Opening Prayer in Ojibwa by Shawanung.
- D. Roll Call: Present: Susan J. LaFERNIER, President  
Warren C. Swartz, Jr., Vice-President (left at 3:01 p.m.)  
Larry J. Denomie III, Secretary  
Toni J. Minton, Treasurer  
Fred Dakota  
William E. Emery  
Michael F. LaFERNIER, Sr. (arrived at 9:50 a.m.)  
Gary F. Loonsfoot, Sr. (left at 2:17 p.m.)  
Elizabeth "Chiz" Matthews  
Elizabeth D. Mayo  
Shawanung
- Absent: Doreen G. Blaker
- E. Declaration of Quorum: President LaFERNIER declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 17, 2006
- Addition- Old Business: 1. Add Chris Swartz with John Baker - Gaming Ordinance Amendments

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGE. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomic III, Toni J. Minton, Fred Dakota, William E. Emery, Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.**

G. For Your Information:

1. Copies of the approved Meeting Minutes for July 13, 2006 were given.
2. Presentation by the Dorsey & Whitney Law Firm – Robert Burns/Mary Streitz/LynDec Wells/Skip Durocher: (See handout) "Hot Topics In Indian Country." The presentation included the following topics: American Indian Probate Reform Act, Trust Property, Tribal Probate Codes, ERISA, the IRC, Employee Benefits and Indian Tribes, Tribal/IGRA General Welfare Programs and Internal Revenue Service rules.

Skip Durocher went over the status of the pending litigation against the State of Michigan on the Property Tax issue and our other cases. We will know by September 25, 2006 if they will take this to the U.S. Supreme Court.

Mike LaFernier arrived at the meeting at 9:50 a.m.

Elizabeth Mayo left the meeting at 10:22 a.m. and returned at 10:44 a.m.

Break: 10:45 a.m. – 11:03 a.m.

Jim Nardi, Francis LaPointe, Julie Raby and Pauline Spruce entered the meeting for the discussion on ERISA, the IRC, Employee Benefits and Indian Tribes.

Mike LaFernier left the meeting at 11:59 a.m.

The Indian Gaming Regulatory Act has developed a list of General Welfare Programs, which designates what gaming revenues may be used for. Tribes cannot distribute per capita benefits out of gaming revenue unless the BIA has approved a Revenue Allocation Plan (RAP). The NIGC can enforce how the Tribe spends its money. The NIGC says when tribes establish government programs to benefit individual members, those programs should be created in response to a recognized need within the community, they must have eligibility criteria to determine which members qualify to participate in the program and may not discriminate by including some members and excluding others without reasonable justification.

Lunch Break: 1:00 p.m. – 2:17 p.m. (Dorsey & Whitney and the Tribal Council had a luncheon together at the Chippewa Resort).

Mike LaFernier returned to the meeting at 2:17 p.m.

Elizabeth Mayo left the meeting at 2:17 p.m.

Gary Loonsfoot left the meeting at 2:17 p.m.

H. Approval of Meeting Minutes: 1. May 2, 2005

**MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE MAY 2, 2005 MINUTES WITH THE CHANGES. SUPPORTED BY WARREN C. SWARTZ, JR. SIX IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Shawanung), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Elizabeth "Chiz" Matthews), THREE ABSENT (Doreen G. Blaker, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

2. May 7, 2005

**MOTION MADE BY WARREN C. SWARTZ, JR. TO TABLE THE MAY 7, 2005 MINUTES UNTIL THE NEXT MEETING. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Shawanung), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Elizabeth "Chiz" Matthews), THREE ABSENT (Doreen G. Blaker, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

3. May 19, 2005

**MOTION MADE BY WARREN C. SWARTZ, JR. TO TABLE THE SPECIAL COUNCIL MEETING MINUTES OF MAY 19, 2005. SUPPORTED BY LARRY J. DENOMIE III. SIX IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Shawanung), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Elizabeth "Chiz" Matthews), THREE ABSENT (Doreen G. Blaker, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

Elizabeth Mayo returned to the meeting at 2:34 p.m.

I. Old Business:

1. Chris Swartz/John Baker – Amendments to the Gaming Regulatory Ordinance 2006-2, there are two proposed changes that are on page 31, section 18B.803 Audit and page 32, section 18B.805 Notices. Both of the changes are a requirement of IGRA.  
This is the First Reading and a date needs to be set for the second and third reading within 30 days.  
The Council set the date for August 24, 2006, Thursday at 9:00 a.m.

J. New Business:

1. Brad Dakota requested a final payment to Drift Roofing Company for Court Renovations. The work is now complete, however there was a change to the original plans and the final cost for the renovations came in slightly higher than the original bid. The original bid was \$7290.00 and the final cost is \$8752.00.

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE ADDITIONAL AMOUNT UP TO \$8752.00 TO DRIFT ROOFING COMPANY FOR THE COMPLETED PROJECT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ONE ABSTAINING (Warren C. Swartz, Jr.), TWO ABSENT (Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

2. Susan LaFerner/John Baker – Willis Forestry Contract, from the BIA Forestry Grant. (See Scope of Services).

**MOTION MADE BY FRED DAKOTA TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH WILLIS FORESTRY CONSULTANTS, AUTHORIZING THE CHAIRMAN TO SIGN THE PROFESSIONAL SERVICE AGREEMENT. SUPPORTED BY WARREN C. SWARTZ, JR. EIGHT IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), ONE OPPOSED (Michael F. LaFerner, Sr.), ABSTAINING – 0, TWO ABSENT (Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

3. Ruth Bussey – Buy Back Agreement with I.H.S. for a Condition Survey of the Donald A. LaPointe Health Building and New Day Treatment Facility to be paid from M&I funds.

**MOTION MADE BY TONI J. MINTON TO APPROVE THE I.H.S. BUY BACK AGREEMENT FOR \$12,247.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

K. Closed Session:

1. Jodene Rasanen – Policy Handbook/Summer Youth Program Report
2. Sarah Smith – a) Agreement with Hitch, LLC for the Ojibwe Senior Center Renovation and Expansion  
b) Agreement with Baraga County Road Commission for Old U.S. 41 Water Main Extension
3. Susan J. LaFerner - Personnel

**MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 3:00 P.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, William E. Emery, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews), THREE OPPOSED (Fred Dakota, Elizabeth D. Mayo, Shawanung), ABSTAINING – 0, TWO ABSENT (Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Chris Swartz left the meeting at 3:01 p.m.

Break: 4:17 p.m. – 4:32 p.m.

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 5:48 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING – 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGREEMENT WITH THE KBIC AND B.C. ROAD COMMISSION FOR \$73,355.00. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

**MOTION MADE BY FRED DAKOTA TO HAVE THE PRESIDENT SIGN THE LETTER TO OPPOSE THE JONKER NOMINATION AS A DISTRICT JUDGE. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE HITCH ENGINEERING FOR THE AGREEMENT BETWEEN THE OWNER AND ARCHITECT FOR \$32,000 AND \$5,800.00 AND HAVE THE PRESIDENT SIGN. SUPPORTED BY SHAWANUNG. EIGHT IN FAVOR (Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

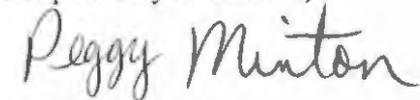
**MOTION MADE BY ELIZABETH "CHIZ" MATTHEWS TO ACCEPT THE RESIGNATION OF DEBRA WILLIAMSON, TERO DIRECTOR EFFECTIVE AUGUST 31, 2006. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

**MOTION MADE BY TONI J. MINTON TO MOVE THE REGULAR SATURDAY, SEPTEMBER 2, 2006 MEETING TO SEPTEMBER 16, 2006. SUPPORTED BY LARRY J. DENOMIE III. EIGHT IN FAVOR (Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

L. Adjournment:

**MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 5:55 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Gary F. Loousfoot, Sr.), MOTION CARRIED.**

Respectfully submitted,



Peggy Minton  
Recording Secretary

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**TRIBAL CENTER CONFERENCE ROOM**  
**SPECIAL COUNCIL MEETING**  
**THURSDAY – AUGUST 17, 2006 – 9:00 A.M.**

A. Date: August 17, 2006

B. Call to Order:

C. Invocation: Lord's Prayer  
Opening Prayer in Ojibwa

D. Roll Call:                   \_\_\_ Susan J. LaFerner, President  
                                  \_\_\_ Warren C. Swartz, Jr., Vice-President  
                                  \_\_\_ Larry J. Denomie III, Secretary  
                                  \_\_\_ Doreen G. Blaker, Assistant Secretary  
                                  \_\_\_ Toni J. Minton, Treasurer  
                                  \_\_\_ Fred Dakota  
                                  \_\_\_ William E. Emery  
                                  \_\_\_ Michael F. LaFerner, Sr.  
                                  \_\_\_ Gary F. Loonsfoot, Sr.  
                                  \_\_\_ Elizabeth "Chiz" Matthews  
                                  \_\_\_ Elizabeth D. Mayo  
                                  \_\_\_ Shawanung

E. Declaration of Quorum:

F. Approval of Agenda: August 17, 2006

G. For Your Information:

1. A copy of Approved Minutes for July 13, 2006
2. Presentation by Skip Durocher (Dorsey & Whitney)

H. Approval of Meeting Minutes: 1. May 2, 2005   2. May 7, 2005   3. May 19, 2005

I. Old Business:

1. John Baker – Motion for Amendments to Gaming Ordinance

J. New Business:

1. Brad Dakota – final payment to Drift Roofing Company for Court Renovations
2. Ruth Bussey – Buy Back Agreement with I.H.S.
3. Susan LaFerner – Willis Forestry Contract

K. Closed Session:

1. Jodene Rasanen – Policy Handbook/Summer Youth Program Report
2. Sarah Smith – a) Agreement with Hitch, LLC for the Ojibwe Senior Center  
Renovation and Expansion  
b) Agreement with Baraga County Road Commission for Old  
U.S. 41 Water Main Extension
3. Susan J. LaFerner - Personnel

L. Adjournment: