

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – JANUARY 19, 2012 – 9:00 A.M.**

- A. Date: January 19, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:09 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Elizabeth D. Mayo, Vice President (left 1:36 – 2:00 p.m.)  
Susan J. LaFernier, Secretary  
Jerry Lee Curtis, Assistant Secretary  
Toni J. Minton, Treasurer  
Robert R.D. Curtis, Jr.  
Fred Dakota  
Eddy Edwards (left 3:58 – 4:20 p.m.)  
Jean Jokinen  
Michael F. LaFernier, Sr.  
Carole L. LaPointe  
Elizabeth “Chiz” Matthews (arrived at 9:17 a.m., left at 12:13 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 19, 2012
- Additions: New Business- 2. Jerry Lee Curtis – 1<sup>st</sup> Reading Proposed Ordinance 2012-01  
Title 27 Chapter B Tribal Enterprise Corporation Code  
4. Larry Denomie III, CEO –  
b) Earl Otchingwanigan Services Agreement  
c) Amendments to Leave Sharing Policy  
5. Carole LaPointe, Health Administrator – Nurse Practitioner  
Job Description  
6. Jennifer Misegan, Enrollment/Licensing Director –  
Municipality Fees
- Move: Closed Session 3. to New Business- 7. Lynn Haataja/Gaming Commission – TIC Regulation

- Additions:            Closed Session-
3. Jennifer Misegan – Christmas Checks
  4. Larry Denomie III, CEO – Personnel Issue
  5. Chris Chosa, THPO Director – Update
- J. Old Business-
1. Eddy Edwards – Discussion on Mining and Marquette County Road 595

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

G. For Your Information:

**Elizabeth Matthews arrived at 9:17 a.m.**

1. Superior National Bank - KBIC Guaranteed Loan Program Account Summary January 13, 2012
2. Baraga Casino Financial Report November 2011 – Larry Denomie, CEO will set a Finance Meeting with Francis LaPointe, CFO.
3. VOIGT Intertribal Task Force Meeting Minutes December 1, 2011 Red Cliff, WI

H. Recognize Scheduled Delegation/Individuals:

1. Kim Stoker, Executive Director WUPPDR – Gregg Nominelli, Economic Developer present.

Kim Stoker stated since 1968 the Tribe has been a member and a paying member since 1994. The Tribe contributes \$1224.00 a year to the WUPPDR organization. They produce a Comprehensive Economic Development Strategy that is updated every year. They have a website with projects listed online. This includes Uplink, a high definition video system. Every year they ask organizations what projects they have going on and provide the information. They have not had a response from the Tribe for the past few years. They issue snowmobile trail maps that are good for all. They write or administer grants that affect us all.

In the past the Tribe has used WUPPDR as a pass-thru agency for the CEDS priority list and the Tribe has decided to use ITC, rather than pay \$1224.00 for the WUPPDR membership fee. ITC produces the Community Economic Development Strategy process (CEDS) for the Tribes.

2. Jacqueline Swartz – The OPREVENT Project Presentation

OPREVENT is an obesity and diabetes prevention program for American Indian Communities through five Tribal Health Departments in Michigan (KBIC and Hannahville) and New Mexico, and the John Hopkins University. The project has collected data from Tribal households to learn more about top priority health concerns in each community, focusing on behaviors relating to eating and physical activity. The information is used to design surveys and educational materials that will be used during the program and its evaluation.

I. Approval of Meeting Minutes:

1. May 12, 2011

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE MAY 12, 2011 MEETING MINUTES. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), ABSENT - 0, MOTION CARRIED.**

2. May 14, 2011

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE MAY 14, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), ABSENT - 0, MOTION CARRIED.**

**Break: 10:00 – 10:15 a.m.**

J. Old Business:

1. Eddy Edwards – Discussion on Mining and Proposed Marquette County Road Commission County Road 595 (Haul Road) – Present: Gregg Nominelli, David Mayo, John Baker

Eddy would like to know the Tribe’s position on County Road 595. Susan LaFernier stated a Resolution was passed that the Tribe’s stance is in opposition of the pollution to the environment, not actually the mining. This road would impact acres of wetlands. Mr. Baker explained litigation has been going on since approximately 2006 and the Tribe has spent hundreds of thousands of dollars. The Tribe is on its way to the Court of Appeals but can only hold them to the environmental aspects of the mine. The Community will have to decide if we appeal to the Federal Court.

K. New Business:

1. Jerry Lee Curtis – 1<sup>st</sup> Reading Proposed Ordinance 2012-01 Title 27 Chapter B Tribal Enterprise Corporation Code. The Board of Directors would include (3) Council Members (which provides for a Charter Corporation) and 2 other Directors.

**MOTION MADE BY JERRY LEE CURTIS TO WAIVE THE 1<sup>ST</sup> READING OF PROPOSED ORDINANCE 2012-01 TITLE 27 CHAPTER B TRIBAL ENTERPRISE CORPORATION CODE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Eddy Edwards stated is opposition: He is opposed to the Attorney amending the entire code; he feels the Attorney was only instructed to amend Section 15 of Chapter 27A.

The 2<sup>nd</sup> Reading is scheduled on February 4, 2012 at 10:00 a.m.

[Closed Session]

1. Government Employee Appeal of Dismissal Hearing Case #001-12

**MOTION MADE BY JERRY LEE CURTIS TO GO INTO CLOSED SESSION AT 11:17 A.M. FOR GOVERNMENT EMPLOYEE APPEAL OF DISMISSAL CASE #001-12. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**Elizabeth Matthews left at 12:00 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 12:08 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

**Elizabeth Matthews returned at 12:09 p.m.**

Government Employee Appeal of Dismissal Hearing Case #001-12 -

**MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE MANAGER’S DECISION IN THE GOVERNMENT TERMINATION GRIEVANCE IN CASE #001-12. SUPPORTED BY CAROLE L. LAPOINTE. FOUR IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Fred Dakota, Carole L. LaPointe), SIX OPPOSED (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), ONE ABSTAINING (Jerry Lee Curtis), ABSENT - 0, MOTION DEFEATED.**

**MOTION MADE BY JEAN JOKINEN TO REVERSE THE MANAGER’S DECISION IN CASE #001-12 AND GIVE THE EMPLOYEE THEIR JOB BACK; EDDY EDWARDS ADDED A FRIENDLY AMENDMENT TO ADD A FIVE-DAY SUSPENSION IN THE FILE, TIME ALREADY SERVED, WITH NO BACK PAY. JEAN JOKINEN ACCEPTS THE AMENDMENT TO HER MOTION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), THREE OPPOSED (Elizabeth D. Mayo, Toni J. Minton, Fred Dakota), ONE ABSTAINING (Jerry Lee Curtis), ABSENT - 0, MOTION CARRIED.**

**Lunch: 12:13 – 1:10 p.m.**

**Elizabeth Matthews left at 12:13 p.m.**

**Eddy Edwards returned from lunch at 1:18 p.m.**

[Recognize Scheduled Delegation/Individuals]

3. Julie Ricci, Wells Fargo – Debit Card Issue

A number of debit cards were sent to Council Members from Wells Fargo in error.

Julie notified the Council that restrictions have been placed on the Marquette Casino's account saying NO debit cards are to be issued. All of the debit cards have been cancelled and none of the cards issued were activated. She also discussed options to prevent any further issues. The occurrence was an unusual situation with an individual who happened to be named Eddy Edwards out of Delaware. She submitted an apology letter.

[New Business]

2. Bruce LaPointe, Projects Manager – Public Works Department Equipment Purchase/Lease - 2011 John Deere 544K Front-End Loader

**Elizabeth Mayo left at 1:36 p.m.**

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE LEASE AGREEMENT BETWEEN KBIC AND THE COMMUNITY'S PUBLIC WORKS DEPARTMENT FOR THE PURCHASE OF A FRONT-END LOADER IN THE AMOUNT OF \$115,000.00 FOR SIX YEARS. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Elizabeth D. Mayo, Elizabeth "Chiz" Matthews), MOTION CARRIED.**

3. Gregg Nominelli, Economic Developer –

- a) HUD Rural Innovation Fund (RIF) Grant Award for \$800,000.00, to create a wholly-owned corporation. HUD ICDBG Grant \$600,000.00 as match and \$200,000.00 Tribal funds for a gas station/convenience center in Marquette. – PowerPoint Presentation
- b) Resolution KB-1872-2012 Articles of Incorporation Aanikoosing Inc.

Present: Dale Shalifoe, John Baker, Francis LaPointe, David Mayo, Mike Duschene

**Eddy Edwards left 1:44 – 1:56 p.m.**

**Carole LaPointe left 2:00 – 2:14 p.m.**

**Elizabeth Mayo returned at 2:00 p.m.**

**Break: 2:43 – 3:00 p.m.**

4. Larry Denomie III, CEO –

a) Weekly Update

b) Earl Otchingwanigan Services Agreement – (Ojibwe Language Classes) January 2012 – September 30, 2012 Audio/Videos/Curriculum for \$26,400.00

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND EARL OTCHINGWANIGAN. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

c) Proposed Amendment to Personnel Policy 12.2 Leave Sharing – Changes to Leave Without Pay Status, new “Partial Leave Without Pay Status,” changes to Benefits

**MOTION MADE BY EDDY EDWARDS TO APPROVE PERSONNEL POLICY SECTION 12.2 LEAVE SHARING POLICY AS PRESENTED. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr.), OPPOSED - 0, ONE ABSTAINING (Carole L. LaPointe), ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

5. Carole LaPointe, Health Administrator – Nurse Practitioner Position Announcement. Funds have been approved in the 650 Clinic 3<sup>rd</sup> Party Budget.

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE NURSE PRACTITIONER FULL-TIME POSITION. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

6. Jennifer Misegan, Enrollment/Licensing Director – 16.303 Inspection of Motor Vehicles D. May charge an inspection fee.

Police Officer Everett Ekdahl, Jr. has been certified to inspect salvaged vehicles for the State of Michigan. Jennifer would like the Council to set the fee amount for KBIC.

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE INSPECTION FEE AS \$50.00. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe), TWO OPPOSED (Fred Dakota, Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

**Eddy Edwards left at 3:58 p.m.**

7. Lynn Haataja/Gaming Commission – Tribal Internal Control Standard (TIC) Regulation – 542.13 (r) Shipment Notification and Receipt Requirements

**MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE TIC REGULATIONS ON SHIPMENT NOTIFICATION AND RECEIPT REQUIREMENTS UNTIL NEXT WEEK FOR FURTHER REVIEW. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

L. Closed Session:

2. John Baker, Attorney
3. Jennifer Misegan – Christmas Checks
4. President Swartz for Chris Chosa, THPO Director – Update

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 4:10 P.M. SUPPORTED BY CAROLE L. LAPOINTE. SEVEN IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

**Eddy Edwards returned at 4:20 p.m.**

**MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 4:39 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

Michigan Court of Appeals (MCOA) – Mining Case Appeal on Part 631 Groundwater

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE A LEAVE OF APPEAL TO THE MICHIGAN COURT OF APPEALS TO APPEAL THE GROUNDWATER PART 631 DECISION. SUPPORTED BY CAROLE L. LAPOINTE. FIVE IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Michael F. LaFERNIER, Sr., Carole L. LaPointe), FOUR OPPOSED (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

M. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:41 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist