

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – OCTOBER 9, 2008 –9:00 A.M.**

- A. Date: October 9, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:15 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFerner, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO
Doreen G. Blaker (left 9:55 – 10:46 a.m.)
Jerry Lee Curtis
Michael F. LaFerner, Sr. (arrived at 9:35 a.m.)
Elizabeth “Chiz” Matthews (arrived at 11:25 a.m.)
Fred Dakota
- Absent: Elizabeth D. Mayo
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 9, 2008
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| Additions: | Approval of Meeting Minutes- Old Business- New Business- Closed Session- | 2. December 13, 2005 1.d) Amendments to Gaming Commission Ordinance 3. President Swartz – Weed & Seed Re-Entry Program Policy 5. Resolution for United Tribes of Michigan Authorization to Vote |
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MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY LARRY J. DENOMIE III. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), MOTION CARRIED.

G. For Your Information:

1. Voting List from Diana Chaudier, Election Board Chair, for the November 1, 2008 Primary
2. Pamphlet from Midwest SOARRING Foundation "Save Our Ancestors Remains & Resources Indigenous Network Group"

H. Approval of Meeting Minutes:

1. August 4, 2008

MOTION MADE BY FRED DAKOTA TO APPROVE THE AUGUST 4, 2008 MEETING MINUTES. SUPPORTED BY LARRY J. DENOMIE III. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), MOTION CARRIED.

2. December 13, 2005

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE DECEMBER 13, 2005 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), MOTION CARRIED.

I. Old Business:

1. Jennifer Misegan, Treasurer - a) Criminal Code Task Force-

The Tribal President will facilitate the meetings and the Task Force will be appointed by position. Letters will be sent to the Tribal Judges, Probation Officer, Tribal Court Advocate, Victims of Crime Advocate, Tribal Prosecutor, Chief of Police and Social Services Department. Departments/Individuals will attend the meetings when the discussion pertains to them.

Mike LaFerner arrived at 9:35 a.m.

b) Committee Annual Leave Motion 9/25/08 – The notice was in the employees paychecks on October 3rd but Council did not officially approve the policy. Some Committees met on October 1st. Input should be taken from the Committees regarding stipends/annual leave.

MOTION MADE BY JENNIFER MISEGAN THAT ALL COMMITTEE MEMBERS WHO ARE EMPLOYEES OF THE TRIBE ARE ABLE TO ATTEND COMMITTEE MEETINGS, WITH THEIR SUPERVISOR’S APPROVAL, DURING WORK HOURS AND BE ABLE TO RECEIVE A STIPEND, EFFECTIVE OCTOBER 1, 2008. SUPPORTED BY LARRY J. DENOMIE III.

Larry Denomie withdrew his support.

MOTION MADE BY JENNIFER MISEGAN THAT ALL COMMITTEE MEMBERS WHO ARE EMPLOYEES OF THE TRIBE ARE ABLE TO ATTEND MEETINGS, WITH THEIR SUPERVISOR’S APPROVAL, DURING WORK HOURS AND BE ABLE TO RECEIVE A STIPEND AND TO CONTINUE WORKING ON A POLICY, EFFECTIVE OCTOBER 1, 2008. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (Susan J. LaFerner, William E. Emery, Jennifer Misegan, Doreen G. Blaker, Jerry Lee Curtis), FOUR OPPOSED (Toni J. Minton, Larry J. Denomie III, Michael F. LaFerner, Sr., Fred Dakota), ABSTAINING - 0, TWO ABSENT (Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

c) Donation for Laird Township (was discussed at a prior meeting)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE A DONATION OF \$250.00 TO THE LAIRD TOWNSHIP FOR THEIR ANNUAL HALLOWEEN PARTY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

d) Amendments to the Gaming Commission Ordinance

The Council discussed areas of the Ordinance that need to be addressed at prior meetings. Jennifer will send the changes to President Swartz who will direct the legal staff to work on the changes and will also set a time frame to have it completed.

2. Gregg Nominelli, Economic Developer – Resolution KB-1628-2008 and By-Laws for the Committee for Alternative & Renewable Energy (C.A.R.E.)

A meeting was scheduled for November 6, 2008. There will be a press release for Olympic Steel with TV6, the L’Anse Sentinel, and the Mining Gazette.

Doreen Blaker left at 9:55 a.m.

MOTION MADE BY LARRY J. DENOMIE III TO MOVE THE REGULAR SCHEDULED COUNCIL MEETING FROM NOVEMBER 1 TO NOVEMBER 8, 2008. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-1628-2008 AND TO ADOPT THE BY-LAWS FOR THE COMMITTEE FOR ALTERNATIVE AND RENEWABLE ENERGY WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Larry J. Denomie III), THREE ABSENT (Doreen G. Blaker, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

3. Larry Denomie III, CEO – Policy Amendment Regarding Meeting Attendance
[This item was done under Jennifer Misegan Old Business 1.b)]
4. President Swartz – Memo from Diana Chaudier, Election Board Chair - Election Candidate name correction per Election Board recommendation

MOTION MADE BY TONI J. MINTON TO APPROVE GARY A. MAGNANT AS A CANDIDATE FOR THE BARAGA DISTRICT FOR THE NOVEMBER 1, 2008 PRIMARY ELECTION, ENROLLMENT NUMBER 730. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

Break: 10:15 – 10:30 a.m.

J. New Business:

1. Gerry Cadeau, Slot Manager/John Mantila, General Manager – Bally Slot Machines Participation Games Install Proposal for the Pines. The plan is to have 12 slot machines at the Pines and these will complete the plan. The Gaming Commission approved the request on October 7, 2008.

MOTION MADE BY FRED DAKOTA TO INSTALL THREE PARTICIPATION REEL GAMES AND THREE PARTICIPATION VIDEO GAMES AS PRESENTED IN THE PINES SLOT PROPOSAL. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.
Larry Denomie returned at 10:39 a.m.

Mike LaFERNIER returned at 10:40 a.m.

2. President Swartz/Dale Dakota, Chief of Police – KBIC TERO-Weed & Seed Re-Entry Program Policy. Chris Gerard, Steve Cadeau, and Robin Chosa will administer the program.

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE KBIC TERO WEED AND SEED RE-ENTRY PROGRAM POLICY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

3. Larry Denomie III, CEO – a) Front End Alignment Bids - (5) bids were received per Clayton Ekdahl’s memo. They were all lower than the suggested price. Larry Denomie will inquire with the Hunter Company to see if they want to purchase the system back.

MOTION MADE BY FRED DAKOTA TO TABLE THE FRONT-END ALIGNMENT BIDS AND LOOK FOR HIGHER BIDS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

- b) “W”elcoming South County Fitness and Community Center’s Advisory Board - The KI Sawyer Community Association is now operating the “W”

The Council suggested contacting Carrie Ashbrook to see if she would represent KBIC on the “W” Board. The Council also requested a list of the Tribal members who utilized the Community Center last year.

K. Closed Session:

1. Chris Gerard, Weed & Seed Coordinator – Weed & Seed Evaluation Consultant Agreement
2. Jennifer Misegan/President Swartz/Elizabeth Mayo/Jerry Lee Curtis – Update on Meeting with the Seneca Nation [Elizabeth Mayo was absent]
3. John Baker, Attorney
4. Larry Denomie III, CEO
5. Warren C. Swartz, Jr., President – Resolution for United Tribes of Michigan Authorization to Vote

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:55 A.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFERNIER, Sr.), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

Doreen Blaker returned at 10:56 a.m.

Elizabeth Matthews arrived at 11:25 a.m.

Lunch: 12:10 – 1:10 p.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 2:03 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Employee Anniversary Dates-

MOTION MADE BY LARRY J. DENOMIE III TO SET ALL EMPLOYEE ANNIVERSARY DATES, FOR THE PURPOSES OF ANNUAL RAISES, TO OCTOBER 1ST, EXCEPT FOR THE EMPLOYEES HIRED AFTER OCTOBER 1, 2008, THEIR HIRED DATE WILL BE THEIR ANNIVERSARY DATE. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Michael F. LaFernier, Sr., Fred Dakota), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Resolution KB-1635-2008 – United Tribes of Michigan Authorized Agents for KBIC-

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-1635-2008 WITH THE CHANGES AS DISCUSSED, WHICH INCLUDE, NAMING THE EXECUTIVE BOARD AND THEN ALL OF THE COUNCIL MEMBERS LISTED ALPHABETICALLY. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Steve Nelson, J.D., and Ph.D. Consultant Agreement - He will provide consultation and assistance in the creation, collection, and analysis of assessment data for the Weed & Seed programs

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE CONSULTANT AGREEMENT, AND HAVE THE CHAIRMAN SIGN, BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND STEVE NELSON. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Elizabeth “Chiz” Matthews), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

EPA Report regarding the Underground Injection Control Permit-

MOTION MADE BY SUSAN J. LAFERNIER TO AUTHORIZE UP TO \$25,000.00 FOR OUR EXPERTS REPORT TO THE EPA REGARDING THE UIC, (UNDERGROUND INJECTION CONTROL), PERMIT. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Emergency Assistance for Family Needs-

MOTION MADE BY JERRY LEE CURTIS TO PAY THE BALANCE OF THE EMERGENCY NEEDS, I.E. RENT, UTILITIES, FOR AN INDIVIDUAL FAMILY, PENDING THE EXHAUSTING OF ALL OTHER MEANS OF ASSISTANCE. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 2:10 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Elizabeth D. Mayo), MOTION CARRIED.

(Jennifer Misegan out of room)

Respectfully submitted,

Peggy Minton
Recording Secretary