

KEWEENAW BAY INDIAN COMMUNITY

2014 TRIBAL COUNCIL

DONALD SHALIFOE, SR., Ogimaa
CAROLE L. LAPOINTE, Vice Chairwoman
JEAN JOKINEN, Secretary
GARY F. LOONSFOOT, SR., Asst. Secretary
EDDY EDWARDS, Treasurer

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ROBERT "R.D." CURTIS, JR.
MICHAEL F. LAFERNIER, SR.
SUSAN J. LAFERNIER
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.
JENNIFER MISEGAN
WARREN C. SWARTZ, JR.

MINUTES KEWEENAW BAY INDIAN COMMUNITY SPECIAL TRIBAL COUNCIL MEETING OJIBWA CASINO RESORT CONFERENCE ROOM THURSDAY – JUNE 6, 2013 – 9:00 A.M.

APPROVED
10-30-14
COPY

- A. Date: June 6, 2013
- B. Call to Order: Vice President Mayo called the meeting to order at 9:04 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Elizabeth D. Mayo, Vice President
Susan J. LaFERNIER, Secretary
Toni J. Minton, Assistant Secretary (arrived at 9:07 a.m.)
Jennifer Misegan, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota
Jean Jokinen
Michael F. LaFERNIER, Sr.
Carole L. LaPointe (arrived at 9:06 a.m.)
Elizabeth "Chiz" Matthews (left at 1:30 p.m.)
Don Messer, Jr.
- Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice President Mayo declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: June 6, 2013
- | | | |
|------------|-----------------|--|
| Additions: | New Business- | 1. Jennifer Misegan, Treasurer – b) Commercial Fishermen Monument Dedication |
| | Closed Session- | 7. Jean Jokinen – Tribal Donation Requests |
| | | 3. Jennifer Misegan, Treasurer – SNB Guaranteed Loan Program |

Carole LaPointe arrived at 9:06 a.m.

Toni Minton arrived at 9:07 a.m.

MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

G. For Your Information:

1. Letter from Indian Health Service-Contract Disputes Act Claim for Contract Support Costs FY2002
2. Letter from Indian Health Service-Contract Disputes Act Claim for Contract Support Costs FY2003
3. NIGC Tribal Compliance Status Report as of December 2012 with the Key Requirements Survey
4. Letter from Brian Willoughby, P.E./Indian Health Service regarding Groundwater Protection Support Letter to pursue funds to complete a survey of wells located within the Reservation
5. A letter from Dale Kildee (served in the U.S. Congress representing Michigan for 36 years) on his work to protect Tribal Sovereignty and his continued advocacy work as a Public Policy consultant with Ietan Consulting, LLC
6. A letter of support from U.S. Senator Debbie Stabenow for the grant application to the U.S. Department of Transportation for the KBIC L’Anse Main and Broad Street Project (Jean Jokinen would like to report that she received a letter of support from Scott Dianda this morning)
7. Notification of Approved Enrollment Applications June 3, 2013 (4)
8. A Memo from Jerry Lee Curtis regarding Affordable Care Act (ACA) Training that he attended in Acme, MI on May 21, 2013 and recommended more attend the additional trainings that will be held regarding sponsorships and third party billing.
9. Letters from the Mayor of Marquette and April Lindala regarding “Mikwendaagozi - To be Remembered” follow up information for the project
10. Beartown Fire Fighters Fire Management Program Personnel Handbook – Scheduled for review on the 6/20/13 agenda

H. Approval of Meeting Minutes:

1. July 7, 2012

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE JULY 7, 2012 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

2. July 19, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE JULY 19, 2012 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Robert R.D. Curtis, Jr., Don Messer, Jr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

3. July 26, 2012

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE JULY 26, 2012 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

4. August 4, 2012 – (typo on page 5)

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE AUGUST 4, 2012 MEETING MINUTES WITH THE CORRECTION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFerner, Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, FOUR ABSTAINING (Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Don Messer, Jr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

I. Recognize Scheduled Delegation/Individuals:

1. Jessica Koski, NRD Mining Technical Assistant/Chuck Brumleve, Mining Specialist/Lori Sherman, NRD Director – Mining Policy Options for the L’Anse Reservation - The Council requested a review of the Mining Ordinance at a future meeting.

J. Old Business:

1. Jennifer Misegan, Treasurer – Forensic Audit – The Council consensus was to have Jennifer obtain a Retainer Agreement with Schechter, Dokken, Kanter, Andrews, and Selcer LTD for approval.
2. Evelyn Ravindran, Parks and Recreation Committee Chair – Tribal Recreation Five Year Plan (Public Comments) – No public comments were received. The Committee was not able to submit for a grant, but may be able to in July.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO MOVE FORWARD WITH THE VOLUNTEER CAMPGROUND HOST PROGRAM. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE TRIBAL RECREATION FIVE YEAR PLAN WITH THE CHANGES. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Break: 10:26 – 10:37 a.m.

K. New Business:

1. Jason Ayres, Realty Officer – Resolution KB-1937-2013 John M. Robillard Request for Residential Lease for a sub-lease of one acre for his nephew Kirby (descendent) who has been living there for twenty years.

A discussion was held regarding Kirby Robillard’s charges for tree cutting which he used for fire wood. He was fined approximately \$300.00.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1937-2013 JOHN M. ROBILLARD REQUEST FOR A RESIDENTIAL LEASE. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

R.D. Curtis stated his opposition: The cutting of wood has been going on for years and seems to fall on deaf ears. A Tribal member cutting wood in Ontonagon had charges brought against him.

2. Ken Marshall, GIS Project Manager – LiDAR Software Purchase

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SOFTWARE EXTENSION TO THE ARC-GIS FOR THE LIDAR DATA FROM QCOHERENT SOFTWARE IN THE AMOUNT OF \$7,613.40. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

3. Evelyn Ravindran/Lori Sherman, NRD Director – Francis LaPointe, CFO present

a) NRD Employee Federal Tax Exemptions Retirement Plan

The Council directed them to call for a meeting with the Retirement Committee to review the information.

b) Jennifer Misegan – Commercial Fishermen Monument Dedication

Jennifer does not feel the dedication should coincide with the Kids Fishing Derby. The Council consensus was to hold a separate event for the dedication ceremony and involve the Natural Resources Department.

4. Vice President Mayo – Committee/Board Selections

a) Cultural (3) seats/5 applications

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPOINT LEO DURANT, CODY BLUE, AND TONI MINTON TO THE CULTURAL COMMITTEE. SUPPORTED BY JENNIFER MISEGAN. FOUR IN FAVOR (Susan J. LaFerner, Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), FIVE OPPOSED (Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Carole L. LaPointe, Don Messer, Jr.), ONE ABSTAINING (Toni J. Minton), ONE ABSENT (Warren C. Swartz, Jr.), MOTION DEFEATED.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPOINT TONI MINTON, DENISE MOSCHETTO, AND RODNEY LOONSFOT TO THE CULTURAL COMMITTEE. SUPPORTED BY DON MESSER, JR. FIVE IN FAVOR (Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Carole L. LaPointe, Don Messer, Jr.), FOUR OPPOSED (Susan J. LaFerner, Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), ONE ABSTAINING (Toni J. Minton), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

b) Economic Development (2) seats – No applications were received.

c) Education (1) parent of KBIC enrolled child seat/1 application

MOTION MADE BY JENNIFER MISEGAN TO APPOINT VICKI EMERY TO THE EDUCATION COMMITTEE. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

d) Enrollment (1) elder at least 60 years of age seat/3 applications

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPOINT DARLENE GENSCHOW TO THE ENROLLMENT BOARD ELDER SEAT. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

e) Parks and Recreation (1) seat/1 application

MOTION MADE BY CAROLE L. LAPOINTE TO APPOINT DOMINIC PICCIANO TO THE PARKS AND RECREATION COMMITTEE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

f) Indian Child Welfare/Justice Committee (ICWA) - (1) seat/1 application

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPOINT NICOLE ARENS TO THE ICWA COMMITTEE. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

5. Vice President Mayo – July Saturday Meeting Date

MOTION MADE BY JENNIFER MISEGAN TO MOVE THE JULY 6TH MEETING TO JULY 13, 2013. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

6. Larry Denomie III, CEO – Weekly Update

7. Jean Jokinen – Tribal Member Donation Requests – Jean feels the only requests the Council should accept are requests made by Tribal members.

Carole LaPointe stated she wants the discrimination against non-natives to stop.

The Council discussed the importance of supporting our local community. Funds were designated to the CNAP Office for the Tribal members’ emergency needs. It is not fair to allow the members to come forward with a donation request after they have used up their allocated amount of funds because not all of the members are receiving additional funds above what has been budgeted.

The donation budget can also assist organizations in the community.

MOTION MADE BY JEAN JOKINEN TO ONLY ACCEPT DONATION REQUESTS FROM TRIBAL MEMBERS. SUPPORTED BY ROBERT R.D. CURTIS, JR. TWO IN FAVOR (Robert R.D. Curtis, Jr., Jean Jokinen), EIGHT OPPOSED (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION DEFEATED.

Each Council member commented regarding donations to the public
Jennifer Misegan is working on a press release in regards to the 2% funds and the other donations the Tribe provides for the surrounding communities of Baraga and Marquette.

8. Susan LaFerner, Secretary – FinnFest USA 2013 Donation Request “Free For All Festival” on Friday, June 21st at the Waterfront Park 1:00 – 6:00 p.m. The KBIC Native American Dance Troupe will be performing.

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE A \$2,500.00 DONATION TO THE BARAGA COUNTY CONVENTION AND VISITOR’S BUREAU IN CARE OF BARAGA COUNTY CHAMBER OF COMMERCE FOR FINNFEST ACTIVITIES BEING HELD AT THE L’ANSE WATERFRONT PARK. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

L. Closed Session:

1. Ron Hueckstaedt, Background Investigator - Adjudication
2. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager – Casino Plan
3. Jennifer Misegan, Treasurer – SNB Guaranteed Loan Program Update

MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 11:43 A.M. SUPPORTED BY CAROLE L. LAPOINTE. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), THREE OPPOSED (Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Lunch: 12:01 – 1:05 p.m.

Elizabeth Matthews left at 1:30 p.m.

MOTION MADE BY CAROLE L. LAPOINTE TO GO INTO OPEN SESSION AT 3:08 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Elizabeth "Chiz" Matthews), MOTION CARRIED.

Break: 3:10 – 3:17 p.m.

Jeffery Loman was added to the agenda.

He asked the Council to send a letter to the Chief of Indian Resources Section requesting a meeting with the Department of Justice to explain actions by the State of Michigan and various mining companies with regards to recent investigations of evidence of collusion between state officials and mining industry executives (regarding mine core analysis).

MOTION MADE BY JEAN JOKINEN TO AUTHORIZE THE VICE PRESIDENT TO SIGN MR. LOMAN'S LETTER TO THE DEPARTMENT OF JUSTICE AFTER IT HAS BEEN REVIEWED AND THE CORRECTION IS MADE. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Jennifer Misegan), TWO ABSENT (Warren C. Swartz, Jr., Elizabeth "Chiz" Matthews), MOTION CARRIED.

Steven J. Cadeau Provisional Security Background Check –

MOTION MADE BY JENNIFER MISEGAN TO APPROVE A PROVISIONAL BACKGROUND CHECK FOR STEVEN J. CADEAU AND GRANT A NINETY DAY CLEARANCE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Cnrtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Elizabeth "Chiz" Matthews), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 3:33 P.M. SUPPORTED BY CAROLE L. LAPOINTE NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Elizabeth "Chiz" Matthews), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist