

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – FEBRUARY 19, 2009 – 9:00 A.M.**

- A. Date: February 19, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:11 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFERNIER, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary (left at 4:30 p.m.)
Jennifer Misegan, Treasurer (left 3:11 – 3:45 p.m.)
Jerry Lee Curtis (left 2:45 – 3:50 p.m.)
Michael F. LaFERNIER, Sr. (arrived at 9:33 a.m., left 3:11 – 3:51 p.m.)
Gary F. Loonsfoot, Sr. (left at 2:46 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo
Isabelle Helene Welsh
Absent: Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: February 19, 2009
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| Additions: | FYI- | Jennifer Misegan – 3. Retirement Committee Update |
| | Old Business- | Larry Denomie, CEO – 1.a) KBIC Comprehensive Plan Update
b) Schedule a Meeting Date for Review |
| | New Business- | Susan LaFERNIER - Add Brad Dakota to #2.
Larry Denomie, CEO - 5.c) FY2010 Federal Appropriations
Request Prioritization List
d) Library Grant Match Funds Request
Elizabeth Mayo – 6. Baraga Elementary Tournament Concessions |

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFerner, Sr.), MOTION CARRIED.

G. For Your Information:

1. On-Line Michigan Works Survey regarding a study designed to develop a strategic economic development plan for the 17-county region of the U.P.
2. A letter from the NIGC Linda Durbin regarding the Environmental Public Health and Safety Survey conducted on February 11th in Baraga and Marquette

It was the consensus of the Council that the Office of the President will handle on-site visits with NIGC in the future. Peggy Minton will notify John Bussey, Gaming Commission.

3. Retirement Committee Update – The Committee is working on a plan for the retirees and elder mentors who are on a pension and those receiving stipends that are on committees regarding taxes and retirement

H. Approval of Meeting Minutes:

1. November 13, 2008

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE NOVEMBER 13, 2008 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO ABSENT (Fred Dakota, Michael F. LaFerner, Sr.), MOTION CARRIED.

2. November 14, 2008

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE NOVEMBER 14, 2008 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO ABSENT (Fred Dakota, Michael F. LaFerner, Sr.), MOTION CARRIED.

I. Old Business:

1. Larry Denomie, CEO -
 - a) KBIC Comprehensive Plan Update – Larry reviewed the proposed process with the Council.

Mike LaFerner arrived at 9:33 a.m.

- b) Schedule a Meeting Date for Review of the Comprehensive Plan – The review will be scheduled for March 19, 2009 at 9:00 a.m.

J. New Business:

- 1. Eddy Edwards, OHA Director/Vicki Dompier/Jerry Lee Curtis – Supportive Housing

Eddy stated that Supportive Housing is affordable housing with services that help people live more stable, productive lives. He invited the Council to a trip in mid-April to Minnesota for a housing site visit. He also stated that currently there are 42 households now with OHA who are potential candidates. Susan, Jerry Lee, Gary and Isabelle may attend.

Vicki stated that John Peterson, Senior Manager from the Corporation for Supportive Housing in Grand Rapids, MI will be here for a Round Table discussion on March 5th, 2009 and invited the Council to attend.

- 2. Vicki Dompier/Susan LaFerner/Brad Dakota – KBIC Drug Court Training through the National Drug Court Initiative

Brad discussed the Drug Court process and how it would benefit our Community and how it is a better opportunity for the individuals involved. There is an 8-person team that will be attending the weeklong training in Albuquerque on February 23 – 27, 2009 to develop a plan and framework for a drug court and to develop a drug court policy and procedure manual. After the training the Tribal Court can apply for a grant for FY10 money to implement a Drug Court. The 8 attendees will come to a Saturday meeting to report on their training in the future.

[Council moved to Closed Session for a Scheduled Conference Call]

- 1. Gregg Nominelli, Economic Developer –
 - a) Economic Development Projects – **10:00 a.m./Conference Call**
 - b) Four Seasons Inn and Bayshore BP Proposal

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 10:15 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Break: 10:16 – 10:25 a.m.

Break: 11:28 – 11:40 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 12:20 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Strategic Business Solutions, Inc.- Feasibility Study

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BID OF STRATEGIC BUSINESS SOLUTIONS FOR A FEASIBILITY STUDY AND TO INCLUDE THE ADDITIONAL BUSINESS AS DISCUSSED IN CLOSED SESSION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Elizabeth Mayo requested a roll call vote. President Swartz denied her request.

Lunch: 12:22 – 1:33 p.m.

[Returned to New Business]

3. Tom Chosa, Assistant Chief, Baraga Volunteer Fire Department – Request for use of field for Mud Drag Racing Fundraiser on May 30, 2009.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE REQUEST OF THE BARAGA FIRE DEPARTMENT FOR USE OF THE FIELD BEHIND THE CASINO FOR THE MUD DRAG RACING FUNDRAISER. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

Gary Loonsfoot, Sr. returned at 1:36 p.m.

Isabelle Welsh returned at 1:38 p.m.

Mike LaFerner, Sr. returned at 1:39 p.m.

4. President Swartz – Letter of Request from Mackinac Bands of Ottawa and Chippewa Indians for reaffirmation and State Historical recognition

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE A LETTER OF SUPPORT FOR RECOGNITION OF THE MACKINAC BANDS OF OTTAWA AND CHIPPEWA INDIANS. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

5. Larry Denomie III, CEO –

- a) Wellness Program Outline/Committee Request – Larry discussed developing a long-term strategic wellness program. M3 Insurance Solutions for Business has a proposed scope of services for KBIC and would work with the Health Department to assess our needs and develop a work plan. He also requested that a committee or work group be formed to review the wellness proposal.

MOTION MADE BY JENNIFER MISEGAN TO MOVE FORWARD WITH THE WORKPLACE WELLNESS PROGRAM PLAN. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (William E. Emery), ONE ABSENT (Fred Dakota), MOTION CARRIED.

- b) Group Life Insurance Coverage for 3474 Tribal Members – Larry discussed the option of providing life insurance to the members and after review he stated that it would cost more than the Death Benefit Program now in place.
- c) FY2010 Federal Appropriations Request Prioritization List for Bart Stupak’s stimulus Projects. KBIC’s Prioritization List for FY2010, is as follows: #1 KBIC Early Childhood Education Center, #2 Manufacturing of Wind Turbine Parts, #3 Remediation & Reuse of Mining Waste for Commercial Use, #4 Sand Point Lighthouse Restoration, #5 Village of Baraga Water Intake System Infrastructure, #6 KBIC Silver River Watershed Resource Inventory, #7 Creation of a Bio-Refinery, #8 Electronic Health Record.

Jerry Lee Curtis left at 2:45 p.m.

Gary Loonsfoot, Sr. left at 2:46 p.m.

- d) IMLS Basic Library Grant Match Funds Request for FY 09

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE \$1,000.00 MATCH REQUEST FOR THE LIBRARY GRANT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

6. Elizabeth Mayo - Baraga Elementary Tournament Concessions – The Baraga Boosters want to sell concessions at the Baraga basketball tournaments and collect the revenue. Elizabeth stated the concessions is what pays for the kids to attend the basketball tournaments. The KBIC Youth Club retains the right to sell the concessions. Jennifer Misegan will talk with the Youth Club for a possible compromise. This will be discussed further at the February 27th meeting although the Boosters may hold the tournament elsewhere.

K. Closed Session:

2. Carole LaPointe, Health Director – Pharmacist Services Agreement
3. President Swartz –
 - a) Tribal Member Request #KB-05-09
 - b) Tribal Member Request #KB-06-09
 - c) Tribal Member Request #KB-07-09
 - d) Tribal Member Request #KB-08-09
4. John Baker, Attorney – Update on Adam Walsh Act/Other
5. Larry Denomie III, CEO

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 3:10 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 3:11 – 3:33 p.m.

Jennifer Misegan returned at 3:45 p.m.

Jerry Lee Curtis returned at 3:50 p.m.

Mike LaFerner, Sr. returned at 3:51 p.m.

William Emery left at 4:30 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 5:42 P.M. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Tribal Member Request #KB-08-09 -

MOTION MADE BY JENNIFER MISEGAN TO APPROVE \$400.00 IN ADDITIONAL MEDICAL EMERGENCY FUNDS TO DAN CONNOR CASE #KB-08-09. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

O’DoVero License Agreement -

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE LICENSE AGREEMENT WITH O’DOVERO DEVELOPMENT FOR THE NEGAUNEE AIRPORT PROPERTY USE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Elizabeth “Chiz” Matthews), ABSTAINING - 0, THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

James Vollmar, R. Ph., Pharmacist Services Agreement – related to the setting up of a Tribal pharmacy at KBIC DHHS. The agreement expires September 30, 2009.

MOTION MADE BY TONI J. MINTON TO APPROVE THE PHARMACIST SERVICES AGREEMENT WITH JAMES VOLLMAR. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Replace Charles Brumleve with Millennium Services in his Independent Contractor Agreement as Mining Consultant

MOTION MADE BY TONI J. MINTON TO APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT SUBSTITUTION WITH MILLENNIUM SERVICES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Jennifer Misegan stated her opposition: She feels he is an employee.

Assistant CEO Title-

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO CHANGE THE TITLE OF THE EXECUTIVE ASSISTANT CEO TO ASSISTANT CEO. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Tribal Member Request #KB-05-09 -

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE PAYMENT OF THE BILL FOR LOUELLA WOOD CASE # KB-05-09 FOR HER SEPTIC SYSTEM IN THE AMOUNT OF \$580.00. SUPPORTED BY JERRY LEE CURTIS. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Tribal Member Request #KB-07-09 -

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE UP TO \$150.00 FOR JEFF MAYO CASE #KB-07-09 FOR TRAVEL TO AN INTERVIEW PENDING DENIAL FROM TERO AND THE BLOCK GRANT. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Tribal Member Request #KB-06-09 -

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE PAYMENT TO JOANN JAUKKURI CASE #KB-06-09 FOR \$100.00 FOR TRAVEL EXPENSES TO SERVE JURY DUTY IN FEDERAL COURT AND FOR HER TO REIMBURSE THE TRIBE. SUPPORTED BY ISABELLE H. WELSH. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 6:05 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary