

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – AUGUST 28, 2008 –9:00 A.M.**

- A. Date: August 28, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:13 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 (left at 5:15 p.m.)
Larry J. Denomie III, CEO (left 1:34 – 1:59 p.m.)
Doreen G. Blaker (left 9:49 a.m. – 2:56 p.m.)
Jerry Lee Curtis
Michael F. LaFerner, Sr. (arrived at 10:15 a.m., left 1:00 – 1:31 p.m.)
Elizabeth “Chiz” Matthews (left 1:09 – 2:14 p.m.)
Elizabeth D. Mayo
Fred Dakota (left 9:30 a.m. – 1:00 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 28, 2008
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| Additions: | Old Business- | 2. Toni Minton, Secretary – Liquor License |
| | New Business- | 2. c) Larry Denomie, CEO – I.H.S. Bully Free Schools Reimbursement |
| | Closed Session- | 3. Jim Nardi – Workers Compensation Settlement 7. Warren Swartz, Jr., President – Doris Roberts Donation Request/Other |

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN 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, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

G. For Your Information:

1. Godfrey & Kahn Indian Nations Law Update, July 2008
2. 12th Annual U.P. Indian Education Conference on September 29, 2008 at NMU – Members of the Education Committee and school staff will attend
3. Notification of Approved Enrollment Applications (3)

Fred Dakota left at 9:30 a.m.

H. Approval of Meeting Minutes:

1. November 21, 2005

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE NOVEMBER 21, 2005 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), TWO ABSENT (Michael F. LaFernier, Sr., Fred Dakota), MOTION CARRIED.

2. June 26, 2008

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE JUNE 26, 2008 MEETING MINUTES WITH THE CHANGES. SUPPORTED BY WILLIAM E. EMERY. NINE 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, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Fred Dakota), MOTION CARRIED.

3. June 30, 2008

MOTION MADE BY TONI J. MINTON TO APPROVE THE JUNE 30, 2008 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), TWO ABSENT (Michael F. LaFernier, Sr., Fred Dakota), MOTION CARRIED.

Doreen Blaker left at 9:49 a.m.

I. Old Business:

1. Larry Denomie, CEO/Clay VanBuren/John Mantila – Casino HVAC Systems Request

(3) Bids were presented for the dehumidifying work necessary in the pool area along with the one bid from a prior meeting. Clay recommended SWICK and the funds will come from the capital outlay budget.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$94,495.00 FOR THE NEW HVAC SYSTEM BY SWICK HEATING AND PLUMBING. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), TWO OPPOSED (Susan J. LaFERNIER, Jennifer Misegan), ONE ABSTAINING (Larry J. Denomie III), THREE ABSENT (Doreen G. Blaker, Michael F. LaFERNIER, Sr., Fred Dakota), MOTION CARRIED.

2. Toni Minton, Secretary – Liquor License - August 20, 2008 Motion

MOTION MADE BY TONI J. MINTON TO RECONSIDER THE MOTION TO REVOKE THE LIQUOR LICENSE OF JEFF LAMSON. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (Doreen G. Blaker, Michael F. LaFERNIER, Sr., Fred Dakota), MOTION CARRIED.

Mike LaFERNIER arrived at 10:15 a.m.

Break: 10:18 – 10:37 a.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 10:38 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. 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., Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Fred Dakota), MOTION CARRIED.

Break: 10:58 – 11:06 a.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 12:00 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Fred Dakota), MOTION CARRIED.

Lunch: 12:01 – 1:00 p.m.

Fred Dakota returned at 1:00 p.m.

Toni Minton read the motion from the August 20, 2008 meeting:

MOTION MADE BY TONI J. MINTON TO REVOKE THE LIQUOR LICENSE OF JEFF LAMSON. SUPPORTED BY SUSAN J. LAFERNIER. FOUR IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Elizabeth “Chiz” Matthews), THREE OPPOSED (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), ONE ABSTAINING (Larry J. Denomie III), THREE ABSENT (Jennifer Misegan, Doreen G. Blaker Fred Dakota), MOTION CARRIED.

A new vote was called-

MOTION MADE BY TONI J. MINTON TO REVOKE THE LIQUOR LICENSE OF JEFF LAMSON. SUPPORTED BY SUSAN J. LAFERNIER. ONE IN FAVOR (William E. Emery), FIVE OPPOSED (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Fred Dakota), TWO ABSTAINING (Jennifer Misegan, Larry J. Denomie III), THREE ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION DEFEATED.

Elizabeth Mayo returned at 1:04 p.m.

MOTION MADE BY SUSAN J. LAFERNIER TO IMMEDIATELY SUSPEND JEFF LAMSON’S LIQUOR LICENSE UNTIL HE COMPLIES WITH THE APPLICABLE LAWS AND ORDINANCES AND GRANT HIM A HEARING AND ALSO TO SEEK AN INJUNCTION REGARDING THE BUILDING CODE VIOLATIONS. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), TWO ABSTAINING (William E. Emery, Larry J. Denomie III), TWO ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.

J. New Business:

1. Gerald Cadeau, Slot Manager/John Mantila, General Manager – Removal and Installation of (2) IGT Participation Games in the Marquette Casino. The Gaming Commission approved this on August 5, 2008.

Elizabeth Matthews left at 1:09 p.m.

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE REMOVAL OF TWO IGT TOP DOLLAR PARTICIPATION GAMES AND INSTALL TWO IGT WOF WAP PENNY MACHINES AT THE MARQUETTE PROPERTY. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

2. Larry Denomie, CEO –

- a) Pines Generator Bid – [This item was postponed for the September 9, 2008 Meeting]
- b) Enterprise Grievance Hearing Date – Case #005-08
The Council scheduled the hearing date for September 9, 2008
- c) I.H.S. Bully Free Schools Program Reimbursement – This program will be implemented at the L’Anse Middle School and L’Anse-Baraga Community Schools

Mike LaFernier returned at 1:31 p.m.

MOTION MADE BY JENNIFER MISEGAN TO HAVE KBIC PAY UP TO \$8,531.00 AND TO BE REIMBURSED BY INDIAN HEALTH SERVICES FROM THE BULLY FREE SCHOOLS PROGRAM. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Elizabeth “Chiz” Matthews), MOTION CARRIED.

K. Closed Session:

1. Todd Warner, NRD – Services Agreement with the Council of Energy Resource Tribes to develop a Strategic Energy Plan
2. Lynn Haataja, Cage Manager
3. Jim Nardi, Human Resources – Workers Compensation Settlement
4. Jennifer Misegan, Treasurer – Donations
5. John Baker, Attorney
6. Larry Denomie III, CEO
7. Warren C. Swartz, Jr., President – Doris Roberts Donation Request/Other

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 1:35 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr.), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, THREE ABSENT (Larry J. Denomie III, Doreen G. Blaker, Elizabeth “Chiz” Matthews), MOTION CARRIED.

(Larry Denomie out of room)

Break: 1:36 – 1:45 p.m.

Larry Denomie returned at 1:59 p.m.

Elizabeth Matthews returned at 2:14 p.m.

Doreen Blaker returned at 2:56 p.m.

MOTION MADE BY JERRY LEE CURTIS TO GO INTO OPEN SESSION AT 5:08 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ALL 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., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

MOTION MADE BY FRED DAKOTA TO HAVE TRIBAL CONSTRUCTION TRUCKS THAT ARE WORKING OFF THE RESERVATION PURCHASE A STATE LICENSE PLATE AND ABIDE BY THE LOAD RESTRICTIONS. SUPPORTED BY ELIZABETH D. MAYO. FOUR IN FAVOR (William E. Emery, Jerry Lee Curtis, Elizabeth D. Mayo, Fred Dakota), SIX OPPOSED (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Doreen G. Blaker, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), ONE ABSTAINING (Larry J. Denomie III), ABSENT - 0, MOTION DEFEATED.

MOTION MADE BY DOREEN G. BLAKER TO MEET WITH THE MICHIGAN HIGHWAY RECIPROCITY BOARD TO DISCUSS COMMERCIAL VEHICLES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ONE ABSTAINING (Larry J. Denomie III), ABSENT - 0, MOTION CARRIED.

Donations for August 2008-

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FOLLOWING DONATIONS: \$125.00 FOR EACH TRIBAL MEMBER ATTENDING THE MACKINAC ISLAND WOMEN’S RETREAT, \$1,000.00 TO THE BARAGA COUNTY CHRISTIAN COMMUNITY FOR A DONATION TOWARDS THE CHRISTIAN MLEKO FUNDRAISER AND UP TO \$100.00 IN GIFT SHOP DONATIONS FOR THEIR AUCTION. SUPPORTED BY SUSAN J. LAFERNIER. ALL 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., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Substance Abuse Recovery Request-

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE RECOVERY REQUEST, #001-2008, FOR A ONE-WAY AIRFARE TICKET TO MESA, ARIZONA, TO BE REPAID IF INDIVIDUAL DOES NOT COMPLETE THE PROGRAM AND IF PROGRAM IS COMPLETED THE TRIBE WILL PAY FOR A RETURN TICKET. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ALL 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., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Jennifer Misegan left at 5:18 p.m.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE HIRE OF THE COUNCIL OF ENERGY RESOURCE TRIBES FOR ASSISTANCE IN DEVELOPING A STRATEGIC ENERGY PLAN, APPROVE THE SERVICES AGREEMENT FOR APPROXIMATELY \$13,000.00 AND SET A DATE, PREFERABLY THE WEEK OF SEPTEMBER 15TH TO DEVELOP THE PLAN. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFerner, Sr.), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

MOTION MADE BY LARRY J. DENOMIE III TO ONLY ALLOW THOSE EMPLOYEES WHO ARE ACTIVE EMPLOYEES TO RECEIVE RAISES OR RETRO PAY REGARDING THE NEW WAGE SYSTEM. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

MOTION MADE BY DOREEN G. BLAKER TO DONATE \$5,000.00 FOR THE DRAFTING OF AN AMICUS CURIAE BRIEF IN THE OTTAWA TRIBE OF OKLAHOMA VERSUS SAMUEL SPECK CASE. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 5:23 P.M. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

6:00 p.m. - 2nd Reading of Proposed Election Ordinance 2008-04 – Ojibwa Casino Resort Conference Room [See Legislative File]

Respectfully submitted,

Peggy Minton
Recording Secretary