

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – JUNE 7, 2008 – 9:00 A.M.

- A. Date: June 7, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:10 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
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO
Doreen G. Blaker (arrived at 9:22 a.m.)
Jerry Lee Curtis
Michael F. LaFernier, Sr.
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (left at 12:16 p.m.)
Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: June 7, 2008
- Additions: FYI- 12. Mike LaFernier – Thank you to road cleaning individuals
13. Jennifer Misegan – Indian Nations Law Update
14. Susan LaFernier – Vice-President’s Report
New Business- 7. Fred Dakota – Baraga Township Pelkie Fire Dept. Request

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. TEN 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, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

G. For Your Information:

1. A “Thank you” from Elvera Lantz and Paul and Jim Lahti
2. A “Thank you” from Jack Poberezny from Marquette for the Education donation that began when Leonard Cardinal was the Chairman
3. A “Thank you” from the Girl Scouts Troop #400

President Swartz added that he received a “thank you” from Governor Jennifer Granholm’s office for the get-well card when she was in the hospital.

4. “Comments, Compliments, Complaints” Forms – (2) compliments were received regarding the picking up of trash and protecting our water
5. Notification of Approved Enrollment Applications (7)
6. State of the Lakes Ecosystem Conference 2008 on October 22-23 in Niagara Falls, Canada
7. Tribal Leaders Workshop – BIA FY2009 Budget and the Congressional Budget Process on August 5, 2008 at LCO Lodge in Hayward, WI
8. A letter regarding Accomplishments from Carl Artman, Assistant Secretary – Indian Affairs – U.S. Dept. of the Interior

Doreen Blaker arrived at 9:22 a.m.

9. Cultural Committee Midewewin Travel Policy
10. Annual Report to the Indian People of KBIC from Dept. of Health & Human Services Oct. ’06 – Sept. ’07
11. An Invitation to the Community Development Office of the U.S. Department of Justice On-site visit/Weed & Seed Strategy **Luncheon - 12:00 to 1:30 p.m. June 12th**
12. Mike LaFernier extended a thank you to all who helped clean the roadsides on Skanee Road and Baraga roads and at the Baraga and L’Anse Cemeteries.
13. Jennifer Misegan – Indian Nations Law Update
14. Susan LaFernier – Vice-President’s Report

H. Approval of Meeting Minutes:

1. October 27, 2005

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE OCTOBER 27, 2005 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, TWO ABSTAINING (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ABSENT - 0, MOTION CARRIED.

2. November 4, 2005

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE NOVEMBER 4, 2005 MEETING MINUTES WITH THE CORRECTIONS. SUPPORTED BY DOREEN G. BLAKER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, THREE ABSTAINING (William E. Emery, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ABSENT - 0, MOTION CARRIED.

Doreen Blaker stated for the record that the Minutes from today are from 2005 and are not the current Recording Secretary’s Minutes, her Minutes are up to date. She has received an unsigned mailing with *concerns* about the Minutes and she wants it made clear that the 2005 Minutes are from a previous secretary and she does not appreciate somebody writing about our current secretary without getting the full facts and added that she does a good job and thanked her for that. Susan added that it’s actually another employee that has taken on the job of the past 2005 Minutes, and it is not the Recording Secretary doing those.

I. President’s Report/May 2008 – available for your review

Fred Dakota inquired about the liquor license the Council issued for the Mud Drags. The distributors were told not to sell them any products because our license is not valid. He said he would be willing to go and discuss this issue downstate. President Swartz responded that in the Gaming Compact it was agreed that the State would regulate the Tribe’s liquor purchases for the Casino and a lot of Tribe’s are opposed to this. He added that the Tribe is looking into this further.

Elizabeth Mayo inquired about a letter of resignation from Christoph Geiger, Deputy Tribal Attorney. The resignation was withdrawn.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE PRESIDENT’S REPORT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL 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, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

J. CEO’s Report/May 2008 – available for your review

Elizabeth Mayo asked if the U.P. Power lines run by the Pines station. The recent power outage is causing the Tribe to lose money. Larry will check into this. She also inquired about any updates in regards to the new restaurant. Larry said the opening date is set for June 16th.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE CEO’S REPORT. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ALL 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, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

K. Secretary's Report/May 2008 – available for your review

Elizabeth Mayo asked how the spring cleanup is being advertised. It was in the L'Anse Sentinel and will also be on the radio.

Doreen Blaker inquired why the fence was taken down at Sand Point. A lot of planting and seeding was done there and the fence was to protect all the work that has been done. Mike LaFerner responded that he was instructed to take it down last year for safety issues. He was instructed to put the fence back up and post signs. Lauri Denomie asked if dogs are allowed to run loose there. Jennifer Misegan stated the dogs must be restrained. Tribal Police will enforce this.

MOTION MADE BY FRED DAKOTA TO APPROVE THE SECRETARY'S REPORT. 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.

L. Treasurer's Report/May 2008 – available for your review

Jennifer Misegan stated that this week another malicious edition of the Screaming Eagle or Native Enquirer circulated the community. It's full of lies and fabrications and is obviously written by people who don't attend meetings, who listen to rumors, who don't ask questions and don't want to see our Tribe change, grow and prosper. Fred Dakota said that it is personal stuff and doesn't belong in her report. He added to Jennifer that she is a public politician and should be used to scrutiny. Jennifer responded that it relates entirely to her position.

Elizabeth Mayo asked what is going on in regards to the Primaries with the Election Committee. Peggy Minton responded that the Election Committee is working on the Ordinance Amendments and have been working with the Attorney's office to have it complete in time for the Primary Election. Fred Dakota asked if it will change the Constitution and if there is a change, it will take a Constitution Election. Peggy stated that the question of a primary election was put on the ballot and they were approved by a referendum vote of the people.

Don Carlson asked if the Constitutional Convention Committee has met. Jennifer stated the Task Force will be meeting to plan the events, structure the meeting and then the delegates will convene.

Mike LaFerner commented he was reminded by the Treasurer's report that the Tribe had a design for the Marquette and Baraga Casinos and a feasibility study for a water park which was way back, and was shot down. Larry responded that they are working on an Economic Development planning session.

MOTION MADE BY FRED DAKOTA TO APPROVE THE TREASURER'S REPORT. SUPPORTED BY LARRY J. DENOMIE III. 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.

M. Department Head Reports- April 2008

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE DEPARTMENT HEAD REPORTS FOR APRIL 2008. 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.

Larry Denomie commented that the Departments are getting their reports turned in.

Break: 10:33 – 10:49 a.m.

N. Old Business:

1. Dale Schmeisser, RD – Presentation on the two-year Women of Wellness Program to promote healthy eating, activity and stress management and Tribal specific information from Great Lakes Inter-Tribal Council. It was requested that permission be given to share the results of the WOW Program.

MOTION MADE BY JENNIFER MISEGAN TO PERMIT THE WOMEN OF WELLNESS PROGRAM TO PUBLISH AND PRESENT INFORMATION AT PROFESSIONAL MEETINGS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Susan J. LaFerner, 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, ONE ABSTAINING (Michael F. LaFerner, Sr.), ABSENT - 0, MOTION CARRIED.

2. Warren C. Swartz, Jr., President - Diversified Management Services Seminar for Tribal Council. Fred Dakota will attend. More information will be brought back to the Council on the price of the training and what they can provide to this community.
3. Larry Denomie, CEO – Tribal Court Jail Fees and Motion Amendment

MOTION MADE BY LARRY J. DENOMIE III TO ADD TO THE ORIGINAL MOTION THAT WEEKEND SENTENCES AT THE JAIL BE CONSIDERED CONSECUTIVE DAYS, RETROACTIVE TO THE DATE OF THE ORIGINAL MOTION ON 10-25-07. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINED (Fred Dakota), ABSENT - 0, MOTION CARRIED.

O. New Business:

1. Eddy Edwards, Housing Director – FY2008 Indian Housing Plan – He gave an update on the various projects that Housing provides.

MOTION MADE BY FRED DAKOTA TO APPROVE THE SUBMISSION OF THE FY2008 INDIAN HOUSING PLAN AND TO AUTHORIZE THE TRIBAL PRESIDENT TO SIGN. SUPPORTED BY WILLIAM E. EMERY. ALL 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, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

2. Dale Dakota, Chief of Police – Resolution KB-1615-2008 COPS Grant – Jennifer Misegan requested he provide the Council with a copy of the proposed budget for \$167,058.00 for the next meeting.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1615-2008 COPS GRANT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL 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, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

Break: 11:43 – 11:50 a.m.

3. Beartown Firefighters/Doreen Blaker/George Decota/Charlie Gauthier – Power point Presentation on their fire fighting projects. The Fire Crews are in need of their own transportation to fire calls. They will bring a proposal, resolution and bids to a later Council meeting for (2) vans and (1) truck.

Elizabeth Mayo left at 12:16 p.m.

4. Jennifer Misegan, Treasurer – Direct Deposit for Enterprise Payroll which was a recommendation from the Department Heads at the Joe Constance Supervisory Training.

MOTION MADE BY LARRY J. DENOMIE III TO MOVE FORWARD WITH THE DIRECT DEPOSITS FOR THE ENTERPRISE EMPLOYEE PAYROLL. SUPPORTED BY TONI J. MINTON. 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.

5. Larry Denomie, CEO – a) Enterprise Employee Grievance Hearing Date – Case #004-08 will be scheduled for Friday, June 13th, 2008.

The consensus of the Council was to hold a meeting every other Thursday, starting June 26th, 2008.

b) EPA Grant Application for Transfer Station Project to cover construction costs

Larry gave the Council an update on the grant application, which was signed by the President and sent this morning to Washington, D.C. The grant is for \$500,000.00 with no matching funds and would

create six new jobs. There is also the possibility for a recycling program. Thank you to Todd Warner for his help on the grant.

c) Creation of a Tribal Energy Committee

Larry would like to create a Task Force or Committee involving the Natural Resource Committee, Economic Development Committee and Todd Warner along with Char Beesley. Larry will invite them to the next Council meeting for discussion.

6. John Baker, Attorney – New Business License for Todd Chosa – d/b/a “Chosa Electric, LLC”

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE BUSINESS LICENSE FOR CHOSA ELECTRIC, LLC WITH A NOTATION THAT TODD BE EXPLAINED THE TAX ISSUES WITH HIS LLC STATUS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. 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.

Mr. Baker informed the Council that Dan Alexander’s Housing lease does not allow for commercial activity.

MOTION MADE BY LARRY J. DENOMIE III TO DENY THE BUSINESS LICENSE FOR DAN ALEXANDER BASED ON THE CRITERIA OF THE OJIBWA HOUSING AUTHORITY AND THAT HE BE RE-CONSIDERED IF AN ALTERNATE LOCATION BE FOUND FOR THE BUSINESS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT 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., Fred Dakota), ONE OPPOSED (Elizabeth “Chiz” Matthews), ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

7. Fred Dakota - Baraga Township Pelkie Fire Department Donation Request for a new Pumper.
This request will be considered during the next donation meeting at the end of the month.

Jerry Lee Curtis announced that New Day is seeking approval from ITC to begin billing clients coming from Minnesota and Wisconsin up to \$3500.00.

P. Closed Session:

1. John Baker, Attorney
2. Jennifer Misegan, Treasurer
3. Larry Denomie, CEO –
 - a) Review Youth Program/Facility Coordinator Applications and Schedule Interviews
 - b) Personnel Issues/Updates
 - c) Health Administrator Contract

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 12:55 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. 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., Elizabeth “Chiz” Matthews), ONE OPPOSED (Fred Dakota), ABSTAINING – 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Break: 12:56 – 1:08 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 2:09 P.M. SUPPORTED BY FRED DAKOTA. TEN 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, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

MOTION MADE BY JENNIFER MISEGAN TO INCREASE THE LARRY ASHER EMERGENCY FUND BY \$25,000.00. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN 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, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Q. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 2:11 P.M. SUPPORTED BY LARRY J. DENOMIE III. TEN 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, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary