

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
FINANCE/SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
WEDNESDAY – OCTOBER 29, 2008 – 9:00 A.M.**

- A. Date: October 29, 2008
- B. Call to Order: Vice-President LaFernier called the meeting to order at 9:23 a.m.
- C. Invocation: Lord’s Prayer and prayers for all who are ill and in the hospital, for the men and women who are in the Service and for our President who is traveling.
- D. Roll Call: Present: Susan J. LaFernier, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary (arrived at 9:47 a.m.)
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO
Jerry Lee Curtis
Michael F. LaFernier, Sr. (arrived at 10:26 a.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (arrived at 3:11 p.m.)
Fred Dakota
- Absent: Warren C. Swartz, Jr., President
Doreen G. Blaker
- E. Declaration of Quorum: Vice-President LaFernier declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 29, 2008
- Additions: FYI- 6. Larry Denomie, CEO - Hotel Manager Job Description
Old Business- 1. Toni Minton – Additional Semester for Language Immersion
New Business- 2. Fred Dakota – a) National City Bank
b) OCC Bills
- Move: Susan LaFernier – move Larry Denomie from New Business 1. h), to Closed Session, before G. FYI

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., William E. Emery, Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

G. Closed Session:

1. Larry Denomie, CEO/James Rasanen, Secretary Gaming Commission - KB-1638-2008 – Gaming Commission Temporary Appointment

MOTION MADE BY LARRY J. DENOMIE III TO GO INTO CLOSED SESSION AT 9:28 A.M. SUPPORTED BY JENNIFER MISEGAN. FIVE IN FAVOR (Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., William E. Emery, Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

William Emery arrived at 9:47 a.m.

Mike LaFernier arrived at 10:26 a.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 10:38 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

Break: 10:39 – 10:53 a.m.

The Gaming Commission approved Resolution GCR-01-2008 on October 28, 2008 appointing Dale Shalifoe as Acting Executive Director during John Bussey’s leave of absence.

MOTION MADE BY JERRY LEE CURTIS TO APPROVE RESOLUTION KB-1638-2008 BASED ON A UNIQUE SITUATION PRESENTED TO THE COUNCIL. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Fred Dakota), THREE OPPOSED (Toni J. Minton, Jennifer Misegan, Michael F. LaFernier, Sr.), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

Jennifer Misegan stated her opposition: She is adamantly opposed. She is very concerned about the precedence that is being set, when the Council suspends a law, and believes there are several community members who could have filled the position outside of the Gaming Commissioners.

Larry Denomie stated for the record: Only one section of the law was suspended, not the entire law.

H. For your Information:

1. Notification of Approved Enrollment Applications (9)
2. A copy of the Gaming Commission Meeting Minutes from 9/2/08, 9/16/08, 10/1/08, 10/7/08
3. A copy of the VOIGT Task Force Meeting Minutes from 6/11/08, 7/10/08, 8/7/08, 9/4/08
4. A memo from Char Beesley on Office Paper Recycling
5. A copy of Indian Nations Law Update – “Congress Reauthorizes Indian Housing Law” and see page 3 Court decision regarding limited waivers of sovereign immunity
6. Motel Manager Job Description

I. Approval of Meeting Minutes:

1. August 16, 2008

MOTION MADE BY JENNIFER MISEGAN TO APPROVE AUGUST 16, 2008 MEETING MINUTES WITH ONE CHANGE. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

2. August 20, 2008

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE AUGUST 20, 2008 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Fred Dakota), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

3. August 28, 2008

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE AUGUST 28, 2008 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Fred Dakota), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

4. January 7, 2006

MOTION MADE BY FRED DAKOTA TO APPROVE THE JANUARY 7, 2006 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. FIVE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Michael F. LaFernier, Sr., Fred Dakota), OPPOSED - 0, THREE ABSTAINING (Larry J. Denomie III, Jerry Lee Curtis, Elizabeth "Chiz" Matthews), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

J. Old Business:

1. Toni Minton – Additional Semester for Language Immersion Class

MOTION MADE BY LARRY J. DENOMIE III TO ALLOCATE \$15,000.00 FOR THE ADDITION OF A SEMESTER OF THE LANGUAGE IMMERSION CLASSES AND TO HAVE THE AMENDED MOU WITH THE BAY MILLS COMMUNITY COLLEGE BROUGHT BACK. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), ONE OPPOSED (Fred Dakota), ONE ABSTAINING (William E. Emery), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

K. New Business:

1. Larry Denomie III, CEO –

a) Don Heikkila's Renewal of his Professional Services Agreement with the Even Start Program beginning October 1, 2008 – September 30, 2009

MOTION MADE BY JENNIFER MISEGAN TO APPROVE DON HEIKKILA'S PROFESSIONAL SERVICES AGREEMENT WITH THE EVEN START PROGRAM. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

b) M3 (Mortenson, Matzelle, and Meldrum, Inc.) Consulting Agreement effective July 1, 2008 for Property and Liability Insurance. The fee is \$30,000.00.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE M3 CONSULTING AGREEMENT THROUGH JULY 2009. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

- c) Day after Thanksgiving “Native American Heritage Day” 2008 – President Bush signed this bill as a day to pay tribute to Native Americans for their many contributions to the United States.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO OBSERVE THE DAY AFTER THANKSGIVING AS NATIVE AMERICAN HERITAGE DAY AND TO REFLECT THAT IN THE GOVERNMENT PERSONNEL POLICY. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

- d) Upcoming Government Holiday Schedule

MOTION MADE BY LARRY J. DENOMIE III TO INCLUDE IN THE GOVERNMENT PERSONNEL POLICY, THE DAY BEFORE AND THE DAY AFTER CHRISTMAS AND NEW YEARS EVE DAY AS DESIGNATED PAID HOLIDAYS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

MOTION MADE BY LARRY J. DENOMIE III TO HAVE JANUARY 2, 2009 AS A PAID HOLIDAY FOR GOVERNMENT EMPLOYEES AND TO HAVE THE TRIBAL CENTER CLOSED AND INCLUDE THE TRIBAL POLICE DEPARTMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

- e) Enterprise Grievance Hearing Date for Case #006-2008 – Council scheduled the hearing for November 5, 2008 at 9:30 a.m.
- f) Government Christmas Party Funding/Budget Request – Janice Halverson/Colleen DeRoche/Jean Jokinen – Last year an additional \$10,000.00 was granted for a total of \$25,000.00 in their budget and approximately \$20,000.00 was spent. The Task Force is looking for a Comedian show for the annual Employee Christmas Party. They will return next week to present the Council with prices and menu changes.
- g) [Arlan Friisvall present] - Trailer Park Lot Rent Adjustment and Contract with OHA for Curbside Garbage Pick Up. The rates will increase from \$42.00 to \$62.00.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE LOT RATE INCREASE IN THE TRAILER PARK FOR THOSE RESIDENTS DEEMED NECESSARY BY THE MAINTENANCE DIRECTOR, DUE TO THE APPEARANCE OF THEIR LOT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Fred Dakota), TWO OPPOSED (Toni J. Minton, Elizabeth “Chiz” Matthews), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

2. Fred Dakota –

- a) National City Bank – Fred received a phone call from Mike Muldern, from National City Bank, inquiring why the Tribe moved their account. Jennifer Misegan responded that the stability of National City Bank was a factor; it had dropped to a “C” rating whereas Wells Fargo is “AAA.”
- b) OCC Bills – Fred had inquiries as to why checks requested from the College have not been approved. Council members replied there are several questionable requests that are being looked into. (Cell phones, meeting stipends, etc.)

L. Closed Session:

- 1. Budget Reviews (future meeting)
- 2. Gregg Nominelli, Economic Developer – Business Prospect: Mr. David Casares – **1:00 p.m.**
- 3. Larry Denomie III, CEO –
 - a) Earl Otchigwanigan and Debra Williamson - Earl Otchigwanigan Contract – **2:00 p.m.**
 - b) Todd Van Dyke/Justin Marzke - Radio Station – **2:30 p.m.**
- 4. Jennifer Misegan, Treasurer –
 - a) Christmas Gift Checks
 - b) Election Board Budget
 - c) Donations
- 5. John Baker, Attorney

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 12:23 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

Lunch: 12:24 – 1:20 p.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 2:58 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

Earl Otchigwanigan Employment Agreement as the Ojibwe Language Advisor/Instructor/Curriculum Developer – The agreement will expire on December 31, 2011.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE EMPLOYMENT AGREEMENT WITH EARL OTCHIGWANIGAN. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

Work Product Endowment Agreement with Earl Otchigwanigan and KBIC relating to the ownership of any materials created or produced by the author in performing his duties under the Employment Agreement-

MOTION MADE BY FRED DAKOTA TO APPROVE THE WORK PRODUCT ENDOWMENT AGREEMENT. SUPPORTED BY LARRY J. DENOMIE III. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo), MOTION CARRIED.

Break: 3:00 – 3:11 p.m.

Elizabeth Mayo arrived at 3:11 p.m.

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 3:12 P.M. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker), MOTION CARRIED.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 5:08 P.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker), MOTION CARRIED.

Christmas Gift Checks-

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE CHRISTMAS GIFT CHECKS FOR BARAGA AND MARQUETTE COUNTIES FOR AGE 18 AND OLDER, RESIDING THERE OCTOBER 1, 2008 AND STILL RESIDING THERE WHEN THE CHECKS ARE DISBURSED AT \$599.00, THE SAME AS LAST YEAR. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker), MOTION CARRIED.

Donations-

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE OCTOBER 2008 DONATIONS OF \$8,750.00, TO THE JACOBETTI HOME FOR \$2,000.00, THE HEAD START CHRISTMAS GIFTS FOR 62 STUDENTS AT \$25.00 EACH, THE MARINE CORPS LEAGUE TOYS FOR TOTS FOR \$5,000.00 AND THE BETHEL UPC ANNUAL THANKSGIVING DINNER FOR \$200.00. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker), MOTION CARRIED.

Pines Manager/Gas Prices

MOTION MADE BY JENNIFER MISEGAN TO APPOINT THE ASSISTANT CEO TO BE THE SUPERVISOR OF THE PINES MANAGER AND TO ALLOW THE PINES MANAGER TO SET THE GAS PRICES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Larry J. Denomie III), TWO ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker), MOTION CARRIED.

Election Board Budget-

MOTION MADE BY TONI J. MINTON TO APPROVE THE FY 09 BUDGET FOR THE ELECTION BOARD IN THE AMOUNT OF \$24,023.17 AS PRESENTED. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 5:12 P.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (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, TWO ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary