

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – OCTOBER 28, 2010 – 9:00 A.M.

- A. Date: October 28, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:12 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFernier, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer
Jerry Lee Curtis
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 10:20 a.m., left 1:08 – 1:27 p.m.)
Gary F. Loonsfoot, Sr.
Elizabeth D. Mayo (left 3:15 – 3:28 p.m.)
Toni J. Minton
Isabelle Helene Welsh (left 1:08 – 1:40 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 28, 2010
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| Additions: | FYI- | 6. Draft Copy for Correction of Errors of Fact – Report of Comprehensive Evaluation Visit for Initial Candidacy to KBOCC |
| | Old Business- | 2. Eddy Edwards, Treasurer – Schedule 2 nd Reading for Secured Transactions Code 2010-07 |

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

G. For Your Information:

1. Governmental Employee Recognition Luncheon – Big Bucks Bingo Hall November 17, 2010
2. Summary and Explanation of Provisions in the Tribal Law and Order Act of 2010 – Domestic Violence and Sexual Assault in Indian Country
3. Copy of GLIFWC Invasive Species Program 2009
4. Tribal Consultation Sessions Schedule - USDA Office of Tribal Relations
5. Superior National Bank/KBIC Guaranteed Loan Program Account Summary October 22, 2010
6. Draft Copy for Correction of Errors of Fact – Report of Comprehensive Evaluation Visit for Initial Candidacy to KB Ojibwa Community College April 6-8, 2009 for the Higher Learning Commission

H. Old Business:

1. Larry Denomie III, CEO – Draft KBIC Youth Program Activity Fund Guidelines/Request Form High School/College Student Educational Travel Draft Policy

Discussion: to increase the fund which is currently \$125.00

Break: 9:36 – 9:45 a.m.

The total increase would be \$265,000.00 to fund \$500.00 per child.

MOTION MADE BY EDDY EDWARDS TO AMEND THE YOUTH ACTIVITY FUND TO \$250.00 PER CHILD AND TO INCLUDE EDUCATION TRAVEL WHICH CAN BE BANKED EACH YEAR (FOR THE INTERNATIONAL CLUB TRIPS) AND THE FUNDS WILL BE TAKEN FROM THE TRIBAL COUNCIL DONATION BUDGET. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Jerry Lee Curtis, Fred Dakota), ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

Mike LaFernier, Sr. arrived at 10:20 a.m.

AISES Travel Requests Pending (added after the agenda approval) – Albuquerque, NM in November

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO DONATE \$500.00 EACH TO JACOB HAAPAPURO AND MARGARITA NIESKES TO ATTEND THE MTU AISES CONFERENCE. SUPPORTED BY EDDY EDWARDS. FOUR IN FAVOR (Elizabeth “Chiz” Matthews, Eddy Edwards, Toni J. Minton, Isabelle H. Welsh), SIX OPPOSED (William E. Emery, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), ONE ABSTAINING (Michael F. LaFernier, Sr.), ABSENT - 0, MOTION DEFEATED.

College Students should use the Donation Policy.

Elizabeth Mayo stated her opposition: She is opposed because the high school students were only approved for \$250.00.

2. Eddy Edwards, Treasurer – Schedule 2nd Reading for Secured Transactions Code 2010-07

MOTION MADE BY EDDY EDWARDS TO SCHEDULE THE 2ND READING FOR THE SECURED TRANSACTIONS CODE 2010-07 FOR NOVEMBER 18, 2010. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

I. New Business:

1. Dale Goodreau, Tribal Police Sergeant – Snow Machine Bids

Houghton PowerSports Bid Approval – (6) Machines and (1) Trailer

MOTION MADE BY EDDY EDWARDS TO APPROVE THE BIDS FROM HOUGHTON POWERSPORTS FOR THE TWO CAN AM OUTLANDER 800 XT’S, TWO SKI-DOO 800R BACKCOUNTRY SNOWMOBILES, TWO SEA DOO GTX 215 WATERCRAFTS, AND THE 8x12 COVERED TRITON TRAILER IN THE AMOUNT OF \$68,300.00. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFernier, Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Mike LaFernier, Sr. stated his opposition: The bids were from one company – different locations.

2. Jason Ayres, Realty Officer –
 - a) Resolution KB-1786-2010 Mitchell L. Bolo Recreational Lease

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1786-2010 MITCHELL L. BOLO RECREATIONAL LEASE. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

b) Resolution KB-1787-2010 Lynelle S. Sutherland Recreational Lease

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1787-2010 LYNELLE S. SUTHERLAND RECREATIONAL LEASE. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

c) Resolution KB-1788-2010 Stubenrauch Land Acquisition/Purchase Agreement 80 acres on Beesley Road \$72,000.00

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1788-2010 STUBENRAUCH LAND ACQUISITION. SUPPORTED BY EDDY EDWARDS. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Jason stated he sent a letter to Jerry Pelon, who placed his camp on Tribal property, that he has 180 days to remove the camp.

3. Toni Minton – Street Light Request by OCC – Larry Denomie will check into this.

Break: 10:47 – 11:03 a.m.

4. Eddy Edwards, Treasurer – October 2010 Donations - \$6,870.00

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE FOLLOWING DONATIONS: \$200.00 FOR THE BETHEL CHURCH THANKSGIVING DINNER, \$5,000.00 FOR THE MARINE CORPS LEAGUE TOYS FOR TOTS, \$500.00 FOR THE MARCH OF DIMES BARAGA AREA FUND DRIVE, \$500.00 FOR THE EDEN FARM ANIMAL SANCTUARY OPERATED BY KRISTIN HILL, \$250.00 FOR JACOB HAAPAPURO AISES CONFERENCE TRAVEL, \$250.00 FOR MARGARITA NIESKES AISES CONFERENCE TRAVEL, AND \$170.00 FOR THE BARAGA HIGH SCHOOL YEARBOOK FULL-PAGE AD. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

5. Todd Warner, NRD –

- a) Resolution KB-1785-2010 FY2011 Forest Management Deduction (10%) Account Expenditure Plan

MOTION MADE BY EDDY EDWARDS TO APPROVE RESOLUTION KB-1785-2010 FY2011 FOREST MANAGEMENT DEDUCTION (10%) ACCOUNT EXPENDITURE PLAN. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE RESOLUTION KB-1785-2010 UNTIL QUESTIONS ARE RESOLVED WITH THE BUDGET. SUPPORTED BY ELIZABETH D. MAYO. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) EPA Wind Anemometer Site Location to collect wind data. 3 Brownfield sites were considered and Sand Point was the most promising. Because Sand Point is in the area of Coastal Management jurisdiction we may need a state permit and it could be denied.

MOTION MADE BY EDDY EDWARDS TO CONSIDER THE ASSININS SITE AS A POSSIBLE LOCATION FOR ANOTHER WIND ANEMOMETER AND TO AVOID PUTTING ON TRIBAL RESIDENTIAL LEASES. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Jerry Lee Curtis), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Jerry Lee Curtis stated his opposition: He feels they should stay with the original site and not concur with the State.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO DIRECT TODD WARNER AND THE ATTORNEYS TO WORK ON THE STATE OBJECTIONS REGARDING THE SAND POINT SITE FOR FUTURE PROJECTS. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFernier, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- c) USDA Tribal Consultation Meetings Invitation – FYI to focus on the 2008 Farm Bill rules and other actions

- d) U.S. Department of Interior USGS Yellow Dog River Joint Funding Agreement/Salmon Trout River Stream Gauges

MOTION MADE BY EDDY EDWARDS TO APPROVE USGS YELLOW DOG RIVER JOINT FUNDING AGREEMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

J. Closed Session:

1. Kristin Belair, Child Support Director – First Amendment to Services Agreement with Orchid Cellmark, Inc.
2. Bruce LaPointe, Project Manager – Transfer TCC Employees to Public Works Department
3. Larry Denomie III, CEO – Interim Position Wage Adjustment per Personnel Policy 4.10
4. John Baker, Attorney

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 12:04 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Lunch: 12:05 – 1:08 p.m.

Gary Loonsfoot, Sr. returned from lunch at 1:14 p.m.

Elizabeth Mayo returned from lunch at 1:15 p.m.

Mike LaFernier, Sr. returned from lunch at 1:27 p.m.

Isabelle Welsh returned from lunch at 1:40 p.m.

Break: 2:15 – 2:28 p.m.

Elizabeth Mayo left at 3:15 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 3:24 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

First Amendment to Services Agreement with Orchid Cellmark, Inc. – rate change from \$40.00 to \$38.00 for standard paternity tests

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE FIRST AMENDMENT TO THE SERVICES AGREEMENT WITH KBIC AND ORCHID CELLMARK EFFECTIVE NOVEMBER 1, 2010. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Public Works Department –

MOTION MADE BY EDDY EDWARDS TO UTILIZE THE TUBCRAFT BUILDING FOR THE PUBLIC WORKS DEPARTMENT AND DIRECT STAFF TO DEVELOP THAT DEPARTMENT AND THE REQUIRED POSITIONS AND TO POST THOSE POSITIONS. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Michael F. LaFernier, Sr.), ONE ABSTAINING (Susan J. LaFernier), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Susan LaFernier stated her abstention: She believes it is very unfair to those long time employees at Tribal Construction.

Mike LaFernier, Sr. concurs.

Interim Chief of Police Position Wage Adjustment per Personnel Policy 4.10 –

MOTION MADE BY EDDY EDWARDS TO APPROVE A WAGE OF \$27.27 FOR THE INTERIM CHIEF OF POLICE EFFECTIVE THE DATE HE STARTED THE DUTIES. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Elizabeth Mayo returned at 3:28 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GRANT A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ISSUE THE DOCUMENTS FROM OPEN SESSION INCLUDING PUBLIC COMMENTS FROM THE READINGS REGARDING THE LEGISLATIVE HISTORY OF THE ADOPTION OF THE TOBACCO ORDINANCE. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Elizabeth D. Mayo), FIVE OPPOSED (Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

K. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 3:35 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ALL IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist