

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JANUARY 12, 2012 – 9:00 A.M.**

- A. Date: January 12, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President (left 2:07 – 2:35 p.m.)
Susan J. LaFernier, Secretary
Jerry Lee Curtis, Assistant Secretary
Toni J. Minton, Treasurer
Fred Dakota (left 9:57 – 10:48 a.m., left at 2:41 p.m.)
Eddy Edwards
Jean Jokinen
Michael F. LaFernier, Sr.
Elizabeth “Chiz” Matthews (arrived at 9:15 a.m.)
- Absent: Robert R.D. Curtis, Jr.
Carole L. LaPointe
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 12, 2012
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| Deletions: | New Business- | 4. Gregg Nominelli - a) HUD Grant Award
b) Resolution KB-1872-2012 Articles of Incorporation Aanikoosing Inc. |
| | Closed Session- | 5. Larry Denomie III, CEO – b) Earl Otchingwanigan Services Agreement |
| Additions: | New Business- | 5. Larry Denomie III, CEO – b) Nurse Practitioner Job Description |

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), MOTION CARRIED.

G. For Your Information:

Elizabeth Matthews arrived at 9:15 a.m.

1. Indian Land Consolidation Program Update – 1st Quarter 2012 (8,479 acres)
2. Press Box Bar & Grill Food Service Survey Report – The CEO was directed to oversee that the recommendation are followed with all of the reports.
3. Commodity Food Program Environmental Health and Safety Survey Report
4. Cue Master Environmental Health and Food Safety Survey Report
5. Jimaganish Wadkoaged American Legion Post Environmental Health and Food Safety Survey Report
6. Random Drug Screen Report for 2011 (Statistics for Government and Enterprise)
7. General Election 2011 Eligible Voters/Registered Voters (corrected from the 1/7/12 meeting)
8. Proposed Policy Amendments Job Reclassification/Grievance Process for Review. The Hiring Committee has reviewed and approved.
9. EPA New National Standards for Mercury Pollution from Power Plants – there are also concerns about the Warden Plant burning railroad ties. President Swartz and Susan LaFERNIER will be meeting with Todd Warner, Natural Resources Department Director.
10. NRD Great Lakes Restoration Initiative Program Fact Sheet

H. Approval of Meeting Minutes:

1. May 5, 2011

MOTION MADE BY EDDY EDWARDS TO APPROVE THE MAY 5, 2011 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

I. Old Business:

1. John Baker, Attorney – New Business License Application for Arlan Friisvall/Jeff Swartz – Zebing Solutions Engineering and Construction Services

Jeff, who has a license as an electrical engineer, and Arlan will employ Gary Swartz who is licensed as a professional engineer.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BUSINESS LICENSE FOR ARLAN FRIISVALL AND JEFF SWARTZ DOING BUSINESS AS ZEBING SOLUTIONS. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Eddy Edwards stated his opposition: He is opposed because neither applicant is a licensed engineer.

J. New Business:

1. John Baker, Attorney –

a) New Business License Application for Jerry Magnant KBO Cigarette Sales

MOTION MADE BY TONI J. MINTON TO TABLE THE BUSINESS LICENSE APPLICATION FOR JERRY MAGNANT FOR THE KBO CIGARETTE SALES UNTIL HE COMPLETES THE CIGARETTE LICENSE APPLICATION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

b) Renewal License Application Donald Messer/Jason Messer DaShack

MOTION MADE BY EDDY EDWARDS TO APPROVE THE BUSINESS LICENSE RENEWAL FOR DASHACK PENDING COMPLIANCE WITH THE FINDINGS FROM THE INDIAN HEALTH SERVICES FOOD SAFETY SURVEY. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

2. Tom Verboczki – Harvey Housing Issues

Tom stated he appealed OHA’s decision to the OHA Board last year which permanently denied him housing. The reason he was given is because he has a history of violence. He was supposed to be on the waiting list and has waited for one year.

Tom requested the Council look at OHA policies and favors being given to family and co-workers. Eddy said they are following policy.

The Council asked if he could be put on the list for a Market Value home if one is available.

He stated he will need housing by May or June.

Break: 9:57 – 10:11 a.m.

Fred Dakota left 9:57 – 10:48 a.m.

The Council asked Eddy what funds OHA are using to purchase these homes and for the loans.

Eddy stated that OHA will work with Tom for a home.

3. Jean Jokinen – Debit Cards - Jean stated she has heard from Tribal members that each Council member received a \$5,000.00 debit card from Casino funds and would like information about them.

Julie Ricci from Wells Fargo Bank via Conference Call stated the error is on Wells Fargo and she apologized. An Ed Edwards from Delaware ordered the cards from a different account and cards were issued by mistake to the signers from the Marquette Casino account. The cards were deactivated and no charges were made. Wells Fargo is working on extra protection for KBIC's accounts.

Susan LaFernier had the six cards that were issued so far and will bring them to be destroyed. One was destroyed by a Council Member.

Break: 11:31 – 11:46 a.m.

4. Gregg Nominelli, Economic Developer – Comprehensive Economic Development Strategy List – the due date is January 25th.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE CEDS LIST AND SUBMIT TO THE INTER-TRIBAL COUNCIL. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Lunch: 11:54 a.m. – 1:06 p.m.

5. Todd Warner, NRD – New 3rd Walleye Pond Funding Request

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE NEW WALLEYE POND FUNDING REQUEST AT THE BREWERY ROAD LOCATION AND THE USDA/NRCS FUNDING AGREEMENT AND MULTI-AGREEMENT. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

K. Closed Session:

1. Todd Warner, NRD –
 - a) Wisconsin Veterinary Diagnostic Laboratory Services Agreement
 - b) Janet K. Marr Services Agreement
 - c) Fischer Biological Consulting, LLC - Consultant Agreement Modification
2. John Baker, Attorney
3. Ed Janisse, Radio Station Manager – Satellite Program Contracts (3)
4. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant Manager - Shuffle Master” Six Card Poker” Agreement
5. Larry Denomie III, CEO – Personnel Issue

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:12 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Elizabeth Mayo left 2:07 – 2:35 p.m.

Fred Dakota left at 2:41 p.m.

Break: 2:41 – 3:00 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:45 P.M. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

[New Business]

6. Larry Denomie III, CEO –
 - a) Weekly Update
 - b) Nurse Practitioner Job Description – The Council requested to bring this item back at a later date with a Budget Report from Carole LaPointe.

Wisconsin Veterinary Diagnostic Laboratory Services Agreement – Chronic Wasting Disease Testing in Area White-Tailed Deer

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND THE WISCONSIN VETERINARY DIAGNOSTIC LABORATORY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Janet K. Marr Services Agreement – ANA Wildlife Management Plan Phase II Grant Project \$6,000.00

MOTION MADE BY EDDY EDWARDS TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND JANET K. MARR. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Fischer Biological Consulting, LLC Consultant Agreement Change Order #2 – Upgrading the (Brook Trout) Hatchery

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE CONSULTANT AGREEMENT CHANGE ORDER FOR FISCHER BIOLOGICAL CONSULTING LLC WHICH WOULD CHANGE THE ORDER TO \$14,000.00 MAXIMUM COST AND EXTEND THE TIME TO MARCH 31, 2012. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Shuffle Master Six Card Poker (table game) Lease Agreement -

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SHUFFLE MASTER SIX CARD POKER LEASE AGREEMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Triton Radio Networks Affiliation Agreements - Satellite Programs (3)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE TRITON RADIO NETWORKS FOR THREE LIBERAL PROGRAMS: BEST OF BILL PRESS, BEST OF STEPHANIE MILLER, AND BEST OF THOM HARTMAN. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Amiscus Brief – Appeal of Gun Lake vs. Patchak – (regarding their casino land into trust decision)

MOTION MADE BY EDDY EDWARDS TO JOIN IN AN AMISCUS BRIEF IN THE PRINCIPLE APPEAL OF THE GUN LAKE VS. PATCHAK. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr.), OPPOSED - 0, TWO ABSTAINING (Elizabeth D. Mayo, Elizabeth “Chiz” Matthews), THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Daniel Hueckstaedt Promotion -

MOTION MADE BY SUSAN J. LAFERNIER TO PROMOTE DANIEL HUECKSTAEDT FROM THE PINES PART-TIME MAINTENANCE POSITION TO THE FULL-TIME MAINTENANCE POSITION AND APPROVE THE TRANSFER OF THE POSITION FROM THE YOUTH CENTER TO PUBLIC WORKS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY JERRY LEE CURTIS TO ADJOURN AT 4:24 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist