

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MARCH 10, 2011 – 9:00 A.M.**

- A. Date: March 10, 2011
- B. Call to Order: Secretary LaFernier called the meeting to order at 9:18 a.m.
- C. Invocation: Lord’s Prayer/Silent prayer for those in the hospital, in the military and awaiting surgery
- D. Roll Call: Present: Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary
Eddy Edwards, Treasurer
Jerry Lee Curtis
Fred Dakota
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr. (left at 2:38 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo
Isabelle Helene Welsh (arrived at 1:00 p.m.)
- Absent: Warren C. Swartz, Jr., President
William E. Emery, Vice President
- E. Declaration of Quorum: Secretary LaFernier declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 10, 2011
- Additions: FYI- 5. Barn Burn
6. Timeline for KBIC Pharmacy
7. Ojibwa Casino Resort Swimming Pool Survey Report
- New Business- 6. Eddy Edwards – Donations
c) Ojibwa Seniors MIEA Trip Request

Closed Session-

5. Susan LaFernier, Secretary –
 - a) Complaint Letter
 - b) Update on Personnel Request

Old Business-

3. Toni Minton request to add Even Start yellow house to the scheduled tour

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITIONS . SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

G. For Your Information:

1. Tribal Tobacco News February 2011 Issue from HCI Distribution Tobacco – Winnebago, Nebraska
2. Gregg Nominelli, Economic Developer, Romulus Travel Report March 2, 2011
3. March 1, 2011 Random Drug Testing Report for the Government and Enterprises
4. CEO Report on 2011 BIA Midwest Region Budget Meeting held on February 17, 2011 at Mystic Lake
5. Release - Barn Burn – March 3, 2011 in Baraga behind the Even Start Center
6. Timeline for KBIC Pharmacy opening
7. Ojibwa Casino Resort Swimming Pool Survey Report by Jeffrey Connor, DHHS Senior Field Environmental Health Officer

H. Old Business:

1. Vice President Emery [Not present] – Draft VOIGT Intertribal Task Force letter from James Zorn, Executive Administrator GLIFWC to Dennis Knapp, MI DNRE regarding Consultation on establishment of a Moose Season in the Upper Peninsula. The Council consensus was to approve the draft letter.
2. Larry Denomie III, CEO/Francis LaPointe, CFO/Julie Raby, Payroll Supervisor/Jim Nardi, Human Resources – Amendatory Agreement – KBIC 401(k) Plan for Participant Loans

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE LOAN POLICY FOR THE KEWEENAW BAY INDIAN COMMUNITY 401(K) PLAN ELECTIVE PROVISIONS. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

I. New Business:

1. Dave Osmak, BIA Forestry – Resolution KB-1807-2011 – 2011 Addendum to the 1993 Timber Sale Policy Statement

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1807-2011 TIMBER SALE POLICY STATEMENT. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

2. Jason Ayres, Realty Officer –

- a) Resolution KB-1811-2011 Cancels lease to Randall K. Rantanen (deceased) and Barbara A. Dakota and grants to Gladys M. Rantanen Residential Lease

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-1811-2011 GLADYS M. RANTANEN RESIDENTIAL LEASE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

- b) Resolution KB-1812-2011 Charles A. Loonsfoot, Sr. and Marilyn C. Loonsfoot Residential Lease (no lease on file)

MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1812-2011 CHARLES A. LOONSFOOT, SR. AND MARILYN C. LOONSFOOT RESIDENTIAL LEASE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

- c) Resolution KB-1813-2011 Indian Reservation Roads

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1813-2011 INDIAN RESERVATION ROADS INVENTORY UPDATE. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

- d) Resolution KB-1814-2011 Long Range Transportation Plan – KBIC IRR (Indian Reservation Roads) Inventory Amendments of 2011 – KBIC LRTP Amendments of 2011

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1814-2011 IRR LONG RANGE TRANSPORTATION PLAN UPDATE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

3. Bruce LaPointe, Project Manager – Floor Paint Project Proposal for the Manufacturing Plant at the Tubcraft Building

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE FLOOR PAINT AND SUPPLIES PURCHASE FROM OJIBWA BUILDING SUPPLY UP TO \$2,000.00. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., William E. Emery, Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

(Fred Dakota is out of the room)

4. Todd Warner, NRD – Hatchery Gas Management Tower Purchase to recycle water

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE HATCHERY UPGRADE GAS MANAGEMENT TOWER PURCHASE FROM WATER MANAGEMENT TECHNOLOGIES, IN. FOR \$6,837.88. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

5. Vice President Emery [Not present] – Committee Vacancy Selections (2) ICWA

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TWO APPLICANTS, GARY MAYO AND CLARA CORBETTE, FOR THE ICWA COMMITTEE. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

6. Eddy Edwards, Treasurer –

- a) Bill (Chill) Seppanen Donation Request – “Out of the Darkness Community Walk” in Iron Mountain September 17, 2011 by the American Foundation for Suicide Prevention

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$250.00 FOR THE OUT OF THE DARKNESS COMMUNITY WALK AMERICAN FOUNDATION FOR SUICIDE PREVENTION AWARENESS CAMPAIGN. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

- b) Kathy Manning – Donation Request for Hannah Holma - Marquette Advantage Girls AA 19U Hockey Nationals the end of March.

MOTION MADE BY TONI J. MINTON TO APPROVE THE DONATION REQUEST FROM KATHY MANNING IN THE AMOUNT OF \$260.00 FOR HER GRANDDAUGHTER HANNAH HOLMA TO PARTICIPATE IN THE HOCKEY NATIONALS TOURNAMENT IN CALIFORNIA. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., William E. Emery, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

(Elizabeth Mayo is out of the room)

- c) Ojibwa Seniors MIEA Trip Request April 18 in Sault Ste. Marie – Funds have been budgeted for the MIEA trips.

- 7. Larry Denomie III, CEO – Negaunee Township Request from William Carlson, Supervisor, to Utilize Escrowed 2% Funds in the amount of \$26,953.50

MOTION MADE BY ELIZABETH D. MAYO TO DENY THE REQUEST OF NEGAUNEE TOWNSHIP TO UTILIZE THE 2% FUNDS THAT ARE IN ESCROW. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

J. Closed Session:

- 1. Dale Dakota – Personnel Issue
- 2. Robert Mudd, Baraga Casino General Manager – Marco, Inc. Consultant Agreement
- 3. Jacki Skytta, Casinos Marketing Manager/Dorothy Pryor, Pressbox Manager – Male Revue Show Contract
- 4. Larry Denomie III, CEO/Heather Chapman, Assistant Attorney - Fitness Center Equipment Removal Update
- 5. Susan LaFernier, Secretary –
 - a) Complaint Letter
 - b) Update on Personnel Request

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 10:55 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Isabelle H. Welsh), MOTION CARRIED.

Break: 10:56 – 11:08 a.m.

Lunch: 12:08 – 1:00 p.m.

Isabelle Welsh arrived at 1:00 p.m.

Even Start/Pre-Primary Program Consolidation - Tour of Even Start Yellow House/New Early Childhood Education Center until 2:35 p.m.

Gary Loonsfoot, Sr. left at 2:38 p.m.

Break: 3:35 – 3:45 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 4:36 P.M. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Diamond Talent LLC Contract – November 15, 2011 for \$1,500.00

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DIAMOND TALENT LLC FOR MALE REVUE SHOW IN NOVEMBER 2011. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., William E. Emery, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

(Isabelle Welsh is out of the room)

Marco Inc. Consulting Agreement – to provide computer consulting services for the Baraga and Marquette Casinos for \$4,595.00

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MARCO INC. CONSULTING AGREEMENT. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Dale Dakota, Chief of Police to Police Commissioner – Council reviewed the Contract/Agreement with the BIA. He has been off of work since September 2010.

MOTION MADE BY ELIZABETH D. MAYO TO CHANGE THE CHIEF OF POLICE JOB DESCRIPTION TO POLICE COMMISSIONER AND REMOVE THE SECTION THAT REQUIRES: EQUIPMENT TO BE USED - HANDGUNS/WEAPONS AND REMOVE STATE OR FEDERAL CERTIFICATION AS A POLICE OFFICER; MUST PASS PHYSICAL REQUIREMENTS AND WEAPONS QUALIFICATION AND TO REINSTATE DALE AS THE POLICE COMMISSIONER AND HAVE THIS POSITION PAID FROM TRIBAL FUNDS. SUPPORTED BY ISABELLE H. WELSH.

MOTION MADE BY TONI J. MINTON TO TABLE UNTIL WE GET A LEGAL OPINION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. THREE IN FAVOR (Toni J. Minton, Eddy Edwards, Elizabeth “Chiz” Matthews), FIVE OPPOSED (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Gary F. Loonsfoot, Sr.), MOTION DEFEATED.

MOTION MADE BY ELIZABETH D. MAYO TO CHANGE THE CHIEF OF POLICE JOB DESCRIPTION TO POLICE COMMISSIONER AND REMOVE THE SECTION THAT REQUIRES: EQUIPMENT TO BE USED - HANDGUNS/WEAPONS AND REMOVE STATE OR FEDERAL CERTIFICATION AS A POLICE OFFICER; MUST PASS PHYSICAL REQUIREMENTS AND WEAPONS QUALIFICATION AND TO REINSTATE DALE AS THE POLICE COMMISSIONER AND HAVE THIS POSITION PAID FROM TRIBAL FUNDS. SUPPORTED BY ISABELLE H. WELSH. FIVE IN FAVOR (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), TWO OPPOSED (Eddy Edwards, Elizabeth “Chiz” Matthew), ONE ABSTAINING (Toni J. Minton), THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Eddy Edwards asked if this is a conflict because she is his sister. Elizabeth Mayo stated this is not for her monetary gain.

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:45 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist