

KEWEENAW BAY INDIAN COMMUNITY

2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
ELIZABETH D. MAYO, Vice-President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

ROBERT R.D. CURTIS, JR.
FRED DAKOTA
JEAN JOKINEN
MICHAEL F. LAFERNIER, SR.
CAROLE L. LAPOINTE
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – OCTOBER 31, 2013 – 9:00 A.M.**

APPROVED
3-12-15

- A. Date: October 31, 2013
- B. Call to Order: President Swartz called the meeting to order at 9:09 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 12:02 p.m.)
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:02 p.m.)
Jennifer Misegan, Treasurer
Robert R.D. Curtis, Jr. (arrived at 9:25 a.m., left at 2:10 p.m.)
Fred Dakota
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe (arrived at 9:34 a.m.)
Elizabeth "Chiz" Matthews (left at 1:01 – 1:45 p.m.)
Don Messer, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 31, 2013
- Additions: FYI- 4. President Swartz – Football 5th Quarter Update
5. Susan LaFernier, Secretary – Mining Specialist Update
- Closed Session- 4. Larry Denomie III, CEO – Casino Update
- Deletion: Recognize Scheduled Delegation/Individuals- 1. David Madosh – Emergency Travel Donation Request

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

R.D. Curtis arrived at 9:25 a.m.

G. For Your Information:

1. Esther M. Johnson, Realty Officer, B.I.A. Sault Ste. Marie, MI - 4 Quarterly Fee to Trust Report 4th Quarter 2013. There are no pending fee-to-trust applications for the KBIC as of this date
2. LaMP Program Work Plan memo from Lori Sherman: there is funding for the stream gauges that were to be cancelled on Silver River
3. Students of *Contemporary Issues in Native America* (Violet Friisvall Ayres' Class will be in attendance today)
4. President Swartz – L'Anse Football 5th Quarter Donation request Update – pizza and soda were provided for the event by Council donation and with cash from Council members at the American Legion
5. Susan LaFernier, Secretary – Mining Specialist Plan Update - Charles Brumleve is working on a plan and an update regarding the Shakopee grant that he will discuss with the Council next week.

H. Approval of Meeting Minutes:

1. October 4, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 4, 2012 MEETING MINUTES WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Robert R.D. Curtis, Jr., Don Messer, Jr.), ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

2. October 6, 2012

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE OCTOBER 6, 2012 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

Carole LaPointe arrived at 9:34 a.m.

3. October 11, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 11, 2012 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Robert R.D. Curtis, Jr., Don Messer, Jr.), ABSENT - 0, MOTION CARRIED.

4. October 18, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 18, 2012 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ABSENT - 0, MOTION CARRIED.

5. October 25, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 25, 2012 MEETING MINUTES. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ONE ABSENT (Jean Jokinen), MOTION CARRIED.

(Jean Jokinen is out of the room)

I. New Business:

1. Dan Connor, Solid Waste Facility Manager – Equipment for the Transfer Station
 - a) 5600 F-Series Toolcat Bids (3)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE LOW BID FROM MICHIGAN SALES AND EQUIPMENT INC. FOR THE 5600 F-SERIES TOOLCAT IN THE AMOUNT OF \$41,242,50. SUPPORTED BY DON MESSER, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) Toolcat Attachments Bids (3) - Snow Blower, Snow Pusher, Auger Drive Unit, Mower, Angle Broom

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE LOW BID FROM BOBCAT PLUS INC. FOR THE TOOLCAT ATTACHMENTS IN THE AMOUNT OF \$17,775.67. SUPPORTED BY DON MESSER, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- c) Excavator Bids (3) - E-42-T4 Compact Excavator

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE LOW BID FROM BOBCAT PLUS INC. FOR THE BOBCAT COMPACT EXCAVATOR IN THE AMOUNT OF \$46,548.60. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Janice Halverson, CNAP Director – Senior Disability Heating Applications Guidelines. It was suggested to take out “Other Resources”: The LIHEAP Program administered by the KBIC MUST be utilized prior to any payments under this program. IF the household is income eligible.

MOTION MADE BY JENNIFER MISEGAN TO REMOVE THE “OTHER RESOURCES” LISTED IN THE TRIBAL ELDERS PENSION AND TRIBAL DISABILITY PENSION HEATING ASSISTANCE PROGRAM GUIDELINES AND TO REVISE THE FORM. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 9:56 – 10:13 a.m.

Community Assistance Programs Guidelines:

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO REMOVE THE ENTIRE PARAGRAPH ON PAGE ONE OF THE CAP GUIDELINES REGARDING WHAT THE PROGRAM DOES NOT ASSIST WITH. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), SIX OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Don Messer, Jr.), ABSTAINING - 0, ABSENT - 0, MOTION DEFEATED.

MOTION MADE BY JENNIFER MISEGAN TO REMOVE THE “SCHEDULED VEHICLE MAINTENANCE AS IDENTIFIED IN THE OWNER’S MANUAL” FROM THE SECOND PARAGRAPH OF THE GUIDELINES FOR THE CAP PROGRAM. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Jean Jokinen, Michael F. LaFernier, Sr., Don Messer, Jr.), ONE ABSTAINING (Robert R.D. Curtis, Jr.), ABSENT - 0, MOTION CARRIED.

3. Brad Dakota, Chief Judge – Services Agreement Tier II for Rebecca Panasiewicz for a Positive Peer Group Counseling Program for the Healing to Wellness Court Program- Extension (1) year to September 2014.

MOTION MADE BY TONI J. MINTON TO APPROVE A ONE YEAR EXTENSION TO THE SERVICES AGREEMENT WITH REBECCA PANASIEWICZ FOR THE POSITIVE PEER GROUP. SUPPORTED BY DON MESSER, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

4. President Swartz –

- a) Appellate Justice Appointment - David Mechlin resigned

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT JAMES R. BITTORF TO FILL THE VACANCY OF APPELLATE JUSTICE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), THREE OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) KBOCC MOA (Keweenaw Bay Ojibwa Community College) MOA until September 30, 2016

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE KBOCC MOA. SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Jennifer Misegan, Jean Jokinen), ONE ABSTAINING (Robert R.D. Curtis, Jr.), ABSENT - 0, MOTION CARRIED.

Jennifer Misegan stated she is not opposed to the MOA but feels there was more to discuss.

5. Jennifer Misegan, Treasurer – Baraga/Marquette Senior Christmas Party (\$17,973.75 last year)

Senior Citizens 2013 Christmas Gift Cards/Dinner -

MOTION MADE BY JEAN JOKINEN TO APPROVE A \$50.00 GIFT CARD FOR EACH SENIOR AND PAY FOR THE CHRISTMAS DINNERS FOR BARAGA \$3,000.00 AND MARQUETTE \$1,500.00. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

6. Larry Denomie III, CEO –

- a) DHHS Maintenance Worker Transfer to DPW Maintenance Worker (cross-training rotation)

MOTION MADE BY ELIZABETH D. MAYO TO TRANSFER THE POSITION OF RICK SHALIFOE AS THE DHHS MAINTENANCE WORKER TO THE DEPARTMENT OF PUBLIC WORKS MAINTENANCE WORKER. CO-SUPPORTED BY JENNIFER MISEGAN AND DON MESSER, JR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), TWO OPPOSED (Jean Jokinen, Elizabeth “Chiz” Matthews), ONE ABSTAINING (Robert R.D. Curtis, Jr.), ABSENT - 0, MOTION CARRIED.

- b) Weekly Update

J. Closed Session:

1. Enterprise Appeal of Termination Hearing Case #005-13
2. Ronald Hueckstaedt, Background Investigator – Holley Makela Adjudication
3. Gregg Nominelli, Economic Developer - Aanikoosing Inc. Contracts and Lease for Land
4. Larry Denomie III, CEO – Casino Update

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:39 A.M. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Lunch: 12:01 – 1:00 p.m.

Toni Minton left at 12:02 p.m.

President Swartz left at 12:02 p.m.

Vice President Mayo is chairing the meeting

Elizabeth “Chiz” Matthews left at 1:01 – 1:45 p.m.

Robert R.D. Curtis left at 2:10 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 2:30 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Break: 2:31 – 2:42 p.m. – The class of students now present

K. Old Business:

1. Carole LaPointe, Health Director –

- a) Affordable Care Act Information (postponed)
- b) Medicare Part D Enrollment for the KBIC Pharmacy to cover prescription medication for people over the age of 65 and to receive clinic third party revenue for this service to cover the costs of the prescription medications for patients residing in the Contract Health Service Delivery Area (CHSDA). The premiums will be paid as long as the KBIC Pharmacy is utilized.

MOTION MADE BY JENNIFER MISEGAN TO MOVE FORWARD WITH THE MEDICARE PART D PLAN. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Holley Makela Adjudication – (5-year Alternate)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AJUDICATION OF HOLLEY MAKELA. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Cbiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Enterprise Appeal of Termination Hearing – Case #005-13

MOTION MADE BY CAROLE L. LAPOINTE TO UPHOLD THE CEO’S DECISION IN CASE #005-13. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe), ONE OPPOSED (Don Messer, Jr.), THREE ABSTAINING (Jennifer Misegan, Jean Jokinen, Elizabeth “Chiz” Matthews), THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 3:00 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

**AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – OCTOBER 31, 2013 – 9:00 A.M.**

A. Date: October 31, 2013

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call: ___ Warren C. Swartz, Jr., President
 ___ Elizabeth D. Mayo, Vice President
 ___ Susan J. LaFernier, Secretary
 ___ Toni J. Minton, Assistant Secretary
 ___ Jennifer Misegan, Treasurer
 ___ Robert R.D. Curtis, Jr.
 ___ Fred Dakota
 ___ Jean Jokinen
 ___ Michael F. LaFernier, Sr.
 ___ Carole L. LaPointe
 ___ Elizabeth "Chiz" Matthews
 ___ Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: October 31, 2013

G. For Your Information:

1. 4th Quarterly 2013 Fee to Trust Report
2. LaMP Program Work Plan
3. Students of *Contemporary Issues in Native America* (Violet Friisvall Ayres' Class will be in attendance today)

H. Recognize Scheduled Delegation/Individuals:

1. David Madosh – Emergency Travel Donation Request

I. Approval of Meeting Minutes:

1. October 4, 2012
2. October 6, 2012
3. October 11, 2012
4. October 18, 2012
5. October 25, 2012

J. Old Business:

1. Carole LaPointe, Health Director
 - a) Affordable Care Act
 - b) Medicare Part D

K. New Business:

1. Janice Halverson, CNAP Director – Senior Disability Hearing Applications
2. Brad Dakota, Chief Judge – Healing to Wellness Program Extension (1) year
3. Dan Connor, Solid Waste Facility Manager –
 - a) Toolcat Bids (3)
 - b) Toolcat Attachments Bids (3)
 - c) Excavator Bids (3)
4. President Swartz –
 - a) Appellate Justice Appointment
 - b) KBOCC MOA
5. Jennifer Misegan, Treasurer – Baraga/Marquette Senior Christmas Party
6. Larry Denomic III, CEO –
 - a) DHHS Maintenance Worker Transfer to DPW Maintenance Worker
 - b) Weekly Update

L. Closed Session:

1. Enterprise Appeal of Termination Hearing Case #005-13 – **1:00 p.m.**
2. Ronald Hueckstaedt, Background Investigator – Holley Makela Adjudication
3. Gregg Nominelli, Economic Developer - Aanikoosing Inc. Contracts and Lease for Land

M. Adjournment: