

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – MAY 17, 2012 – 9:00 A.M.**

- A. Date: May 17, 2012
- B. Call to Order: Vice President Mayo called the meeting to order at 9:04 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Elizabeth D. Mayo, Vice President  
Susan J. LaFernier, Secretary  
Toni J. Minton, Treasurer (left 9:51 – 10:46 a.m., left at 12:04 p.m.)  
Robert R.D. Curtis, Jr.  
Fred Dakota (left 11:07 a.m. – 1:11 p.m.)  
Eddy Edwards (left 1:11 – 1:25 p.m.)  
Jean Jokinen  
Michael F. LaFernier, Sr.  
Elizabeth “Chiz” Matthews
- Absent: Warren C. Swartz, Jr., President  
Jerry Lee Curtis, Assistant Secretary  
Carole L. LaPointe
- E. Declaration of Quorum: Vice President Mayo declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 17, 2012
- Additions: Old Business- 6. Eddy Edwards – Announcement for Board of Directors of Aanikoosing, Inc.
- Move: Closed Session 5. 4. New Business - Susan LaFernier, Secretary - ACH Agreement with SNB: Add Additional Administrator and File Limit

**MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), TWO OPPOSED (Toni J. Minton, Michael F. LaFernier, Sr.), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.**

Mike LaFernier, Sr. stated his opposition: He would like to have a full Council present for the approval of Aanikoosing, Inc. Board of Directors announcement.

G. For Your Information:

1. Ojibwa Casino II Financial Report March FY2012
2. Second Annual Bureau of Indian Affairs Midwest Region “Partners in Action” Conference June 26-28 Mt. Pleasant
3. A Notice from the DEQ - Amendment to Eagle Project Mining Permit MP 01 2007 to add a core shed and relocate the backfill facility
4. VOIGT Intertribal Task Force Meeting Minutes April 5, 2012 Danbury, WI
5. VOIGT Intertribal Task Force Memo regarding Birch Bark Gathering Maps with areas on the Ottawa and Chequamegon-Nicolet National Forests

H. Old Business:

1. Eleanor Nieskes – Medical Travel Request (for Daniel)

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE REIMBURSEMENT OF \$338.11 FOR THE MAY 1, 2012 MILWAUKEE TRIP FOR ELEANOR NIESKES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED – 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.**

2. Rae Anne Gauthier/Angie Shelifoe – Donation Request - Women’s Softball League for Bats and Bases \$825.00

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO TABLE THE REQUEST UNTIL FURTHER INFORMATION IS PROVIDED REGARDING THE LEAGUE AND EQUIPMENT. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED – 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.**

3. Tony Veker, Jr. – Donation Request – Tribal Youth (10) Basketball Tournament in Peshabetown, MI May 18, 2012

**MOTION MADE BY TONI J. MINTON TO APPROVE \$1,764.00 FROM THE YOUTH BUDGET FOR TRIBAL YOUTH TO ATTEND THE BASKETBALL TOURNAMENT AND TO TURN IN RECEIPTS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.**

Eddy Edwards stated his opposition: He feels the Council should have heard input from the Youth Director.

**Toni Minton left at 9:51 a.m.**

4. Robert R.D. Curtis, Jr. – Amendment to Motion of Case #007-12 from the May 10, 2012 meeting

**MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 9:52 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Jean Jokinen), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

**MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 10:03 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

Termination Case #007-12 Amended -

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO AMEND THE MOTION ADOPTED AT THE MAY 10, 2012 MEETING WHICH READS: “TO OVERTURN THE TERMINATION IN CASE #007-12 AND GIVE BACKPAY FROM THE DATE OF TERMINATION AND RETURN ANNUAL AND SICK LEAVE USED FOR EAP SESSIONS THAT WERE MANDATED” AND MOVE TO WITHDRAW “THE RETURN OF BACKPAY FROM THE DATE OF TERMINATION.” SUPPORTED BY EDDY EDWARDS. FOUR IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), THREE OPPOSED (Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

**Break: 10:06 – 10:23 a.m.**

5. Eddy Edwards – Announcement for Board of Directors of Aanikoosing, Inc. (Eddy will provide a new draft later today. Tomorrow is the Newsletter deadline)
6. Larry Denomie III, CEO – Drug Free Work Place Policy Amendment (22.0) - The entire policy was reviewed and changes were suggested.

**Toni Minton returned at 10:46 a.m.**

**Fred Dakota left at 11:07 a.m.**

**Toni left at 12:04 p.m.**

**Lunch: 12:04 – 1:11 p.m.**

**Fred Dakota returned at 1:11 p.m.**

I. Closed Session:

1. Joseph O’Leary/Heather Chapman, Assistant Tribal Attorney – Treaty Rights Litigation Matter
2. Dotti Pryor, Pressbox Manager/David Haataja, Casinos General Manager – James Nankervis Professional Services Agreement
3. Heather Chapman, Assistant Tribal Attorney/Jason Ayres, Realty Office – Litigation Matter
4. Ed Janisse, Eagle Radio Station General Manager – Eagle Radio General Manager Employment Agreement Renewal
5. Larry Denomie III, CEO/Jason Ayres, Realty Officer/Christoph Geiger, Tribal Deputy Attorney – Pine Beach LLC Professional Services Agreement

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:13 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FOUR IN FAVOR (Susan J. LaFerner, Robert R.D. Curtis, Jr., Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Jean Jokinen), ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.**

**Eddy Edwards returned from lunch at 1:25 p.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:05 P.M. SUPPORTED BY EDDY EDWARDS. SEVEN IN FAVOR (Susan J. LaFerner, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

James Nankervis Professional Services Agreement – to provide architectural design services for future renovations at the Pressbox Bar and kitchen

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH JAMES NANKERVIS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

Treaty Rights Litigation Matter – Brenda Turunen (Ma Hog Farm)

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE KBIC TREATY RIGHTS FARMING LICENSE FOR BRENDA TURUNEN DOING BUSINESS AS MA HOG FARM AND HER AGENTS AND ASSIGNEES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

Pine Beach LLC Professional Services Agreement –

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH PINE BEACH LLC TO PREPARE AN ENVIRONMENTAL ASSESSMENT FOR THE BIA APPLICATION FEE-TO-TRUST ACQUISITION OF THE THREE ACRE PROPERTY IN MARQUETTE AND CHANGE THE TERM OF THE AGREEMENT TO NINETY DAYS. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

Eagle Radio General Manager Employment Agreement Renewal –

**MOTION MADE BY FRED DAKOTA TO APPROVE THE EAGLE RADIO GENERAL MANAGER EMPLOYMENT AGREEMENT RENEWAL WITH EDMUND JANISSE FOR ONE YEAR WITH A SIX PERCENT RAISE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Susan J. LaFernier, Jean Jokinen), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

Susan LaFernier stated her opposition: She would have liked to negotiate the six percent raise with the Council.

Announcement for Board of Directors of Aanikoosing, Inc. – Five member Board with (2) Council members

**MOTION MADE BY JEAN JOKINEN TO APPROVE THE ANNOUNCEMENT OF THE BOARD OF DIRECTORS FOR AANIKOOSING, INC. ADVERTISEMENT AND CHANGE TO “MUST ALL” BE ENROLLED TRIBAL MEMBERS. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFerner, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

J. New Business:

1. Vice President Mayo – Committee Selections

- a) Economic Development Committee (3)
- b) Health Board (6)
- c) Substance Abuse Advisory Board (6)

The committee seats available did not have enough applications received to fill the seats. Vice President Mayo recommends appointing all applicants for the three committees and re-advertising for the remaining vacant seats.

**MOTION MADE BY EDDY EDWARDS TO APPROVE ANTHONY VEKER, SR. TO THE ECONOMIC DEVELOPMENT COMMITTEE; CHERYL BOGDA, KERRY PICCIANO, AND CARL RASANEN TO THE HEALTH BOARD; AND JENNIFER ALMLI, MELISSA KOEPP, JANICE SHALIFOE, AND ANTHONY VEKER, SR. TO THE SUBSTANCE ABUSE ADVISORY BOARD AND RE-ADVERTISE FOR THE REMAINING VACANT SEATS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFerner, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

Economic Development Committee – (2) seats remain

Health Board – (3) seats remain

Substance Abuse Advisory Board – (2) seats remain

- 2. Sarah Maki, Assistant CEO – Revisions to Section 3.6 Security Background Checks/Background Investigations of the Personnel Policy – The ICWA Committee requested more time to review.

**MOTION MADE BY EDDY EDWARDS TO TABLE REVISIONS TO SECTION 3.6 OF THE PERSONNEL POLICY FOR ONE WEEK. SUPPORTED BY JEAN JOKINEN. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

3. Susan LaFERNIER, Secretary - ACH Agreement Exhibit D with SNB: Add Additional Administrator and File Limit

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE ACH AGREEMENT EXHIBIT D BETWEEN SUPERIOR NATIONAL BANK AND KBIC. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

4. Sarah Maki, Assistant CEO (not on the agenda) – New Day Treatment Center and the State Department of Community Health Medicaid Reimbursement Issue

**MOTION MADE BY EDDY EDWARDS TO APPROVE ADDING THE NEW DAY AND DCH MEDICAID REIMBURSEMENT ISSUE TO THE AGENDA. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

Sarah notified the Council that the Tribe has until May 20, 2012 (three days from today – on a Sunday) to appeal the status change of the New Day Treatment Center from a FQHC (Federally Qualified Health Center) to a THC (Tribal Health Center) which will negatively affect the reimbursement rate of Medicaid payments. The letter sent to New Day Treatment Center was dated April 20, 2012.

**MOTION MADE BY EDDY EDWARDS TO DIRECT STAFF TO REVIEW THE NEW DAY TREATMENT CENTER AND DCH MEDICAID REIMBURSEMENT ISSUE WITH JERRY LEE CURTIS, NEW DAY DIRECTOR, BY TOMORROW AND MAKE A DETERMINATION WHETHER TO APPEAL; AND TO GET WITH THE ATTORNEY TO HELP PREPARE A LETTER, IF THE DECISION IS TO APPEAL. SUPPORTED BY JEAN JOKINEN. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

5. Larry Denomie III, CEO – Weekly Update (for next week)

K. Adjournment:

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ADJOURN AT 4:37 P.M. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist