

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JANUARY 7, 2010 – 9:00 A.M.**

- A. Date: January 7, 2010
- B. Call to Order: Vice President Emery called the meeting to order at 9:10 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: 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 9:13 a.m.)
Gary F. Loonsfoot, Sr. (arrived at 9:12 a.m.)
Elizabeth D. Mayo
Toni J. Minton
Isabelle Helene Welsh (left 1:09 – 1:25 p.m.)
- Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice President Emery declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 7, 2010
- Additions: FYI - 2. Susan LaFernier – Schedule Power Point Presentation on Prescription Drugs by Becky Tussing
- New Business- 9. Eddy Edwards, Treasurer – Donation Request

Gary Loonsfoot, Sr. arrived at 9:12 a.m.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFerner, 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, TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFerner, Sr.), MOTION CARRIED.

G. For Your Information:

1. M.A.S.T. Impact Week, Washington DC, March 7 – 10, 2010

Mike LaFerner, Sr. arrived at 9:13 a.m.

2. Schedule Power Point Presentation on Prescription Drugs by Becky Tussing for the Saturday February 6th Meeting

H. Approval of Meeting Minutes:

1. August 6, 2009

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AUGUST 6, 2009 MEETING MINUTES. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Eddy Edwards, Jerry Lee Curtis), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

2. August 13, 2009

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE AUGUST 13, 2009 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

3. August 15, 2009

MOTION MADE BY FRED DAKOTA TO APPROVE THE AUGUST 15, 2009 MEETING MINUTES. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Eddy Edwards, Michael F. LaFerner, Sr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

4. August 20, 2009

MOTION MADE BY FRED DAKOTA TO APPROVE THE AUGUST 20, 2009 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

5. August 27, 2009

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AUGUST 27, 2009 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, THREE ABSTAINING (Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

I. Old Business:

1. Fred Dakota – Veteran’s Plates

The Licensing Department requires a DD214 which is a Release from Active Service. Fred would like to change the requirements to include an honorable discharge as proof to get a veteran’s plate.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DISCHARGE PAPERS OR THE DD214 TO BE PRESENTED IN ORDER TO RECEIVE A VETERANS PLATE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

J. New Business:

1. William Emery, Vice President –

a) Resolution KB-1727-2010 Interim Gaming Commission - The Tribal Council

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1727-2010 INTERIM GAMING COMMISSION. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

- b) Posting of the Position Announcement for Gaming Commissioners – change the vacancies to two positions and the closing date to February 19th to allow 45 days of posting and to allow time to place the posting in the Newsletter.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE POSTING OF THE GAMING COMMISSIONERS WITH THE TWO CHANGES. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

- c) Waive December 17, 2009 Minutes Approval – Gaming Regulatory Amendatory Ordinance

MOTION MADE BY SUSAN J. LAFERNIER TO WAIVE THE DECEMBER 17TH MINUTES APPROVAL REGARDING THE GAMING REGULATORY AMENDATORY ORDINANCE. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

- 2. Larry Denomie III, CEO – IMLS Grant Match \$1000.00 Basic grant for Library Services for 3 years

MOTION MADE BY TONI J. MINTON TO APPROVE THE \$1,000.00 MATCH FOR THE IMLS GRANT AND THE GRANT APPLICATION. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo), MOTION CARRIED.

(Elizabeth Mayo out of the room)

- 3. Jean Jokinen [Not present] Larry Denomie, CEO – Resolution KB-1726-2010 Direct Funding for KBIC Head Start and request I.T.C. to relinquish the programs service area

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1726-2010 DIRECT FUNDING FOR KBIC HEAD START. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

4. Jason Ayres, Realty – Resolution KB-1725-2010 ARRA IRR TIP Priority List of (7) Cooperative Road/Bridge Projects

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1725-2010 ARRA IRR TIP PRIORITY LIST OF PROJECTS. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Break: 10:21 – 10:31 a.m.

5. Brandy Chosa, Interim Background Investigator/License Coordinator – International Game Technology (IGT) Renewal Manufacturer/Distributor License – Action #001-2010 (John Bussey, Michael Duschene, Shelly Ekdahl also present)

MOTION MADE BY FRED DAKOTA TO APPROVE THE IGT RENEWAL VENDOR’S LICENSE. SUPPORTED BY JERRY LEE CURTIS. NINE IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED. (Gary Loonsfoot, Sr. out of the room)

6. John Bussey, Executive Director Gaming Commission
 - a) Keweenaw Bay Cutters Chapter of the National Wild Turkey Federation Social Gaming License – Action #003-2010
 - b) L’Anse High School Bowling Club Social Gaming License – Action #002-2010

MOTION MADE BY FRED DAKOTA TO APPROVE THE PROPOSED LICENSES ACTION NUMBERS 002-2010 AND 003-2010 AND TO WAIVE THE LICENSE FEES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

- c) Keweenaw Bay Cougar Peewees Hockey Association Social Gaming License – Action #004-2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE KEWEENAW BAY COUGAR PEEWEE HOCKEY ASSOCIATION SOCIAL GAMING LICENSE ACTION #004-2010 LICENSE #KB-03-10 AND WAIVE THE LICENSE FEE. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

7. Gary Loonsfoot, Jr., Language Coordinator – Request to pay per diem to the Immersion Students for the BMCC Winter Semester as the instructors are not able to drive here in winter. The total cost is reduced.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE UP TO TEN IMMERSION STUDENTS PER DIEM TO ATTEND THE BAY MILLS COMMUNITY COLLEGE WINTER LANGUAGE SESSIONS. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Gary informed the Council that the 2010 Community Calendars are complete. The cost is \$3,910.00 for 1,000 calendars, to be paid out of advertising. They will be given to households in Baraga County.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE PURCHASE OF THE COMMUNITY CALENDARS FOR THE LANGUAGE PROGRAM AS A MATCH. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

8. Gregg Nominelli, Economic Developer – ICDBG Grant Acceptance for the L’Anse Gas Station to be used in 3 years

Eddy Edwards suggested moving the location of the gas station to Harvey or the airport in order to get into the market at those locations. Sarah Smith stated that the location could be changed.

MOTION MADE BY EDDY EDWARDS TO ACCEPT THE ICDBG GRANT FOR \$600,000.00 FOR A GAS STATION AND DIRECT STAFF TO LOOK AT PUTTING THE LAND IN HARVEY INTO TRUST FOR NON-GAMING PURPOSES. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

9. Eddy Edwards, Treasurer – Donation Request from Jerome Crebessa to assist with a couple of months at \$650.00 rent during his illness in Milwaukee

MOTION MADE BY EDDY EDWARDS TO APPROVE \$2,600.00 FOR JEROME CREBESSA. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

Fred Dakota left at 11:41 a.m.

K. Closed Session:

1. Gregg Nominelli, Economic Developer – Bay View Vision Lease
2. John Baker, Attorney
3. Larry Denomie III, CEO

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:45 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (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), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

Fred Dakota returned at 11:46 a.m.

Lunch: 11:54 a.m. – 1:09 p.m.

Isabelle Welsh returned from lunch at 1:25 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 2:27 P.M. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Bay View Vision Lease Agreement – Kirk Schott, O.D. May 1, 2010 – April 20, 2015

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE BAY VIEW VISION/KIRK SCHOTT, O.D. LEASE AGREEMENT. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Execution of Assignment and Security Agreement with SNB –

MOTION MADE BY EDDY EDWARDS TO AUTHORIZE THE EXECUTION OF ASSIGNMENT AND SECURITY AGREEMENT TO SUPERIOR NATIONAL BANK FOR THE SIX ACCOUNTS UNDER THE GUARANTEED LOAN PROGRAM. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (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, ONE ABSTAINING (Susan J. LaFernier), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Timothy and Monica Kohn Loan Purchase Agreement and Assignment of Loan Documents –

MOTION MADE BY EDDY EDWARDS TO APPROVE THE LOAN PURCHASE AGREEMENT AND ASSIGNMENT OF THE LOAN DOCUMENT WITH SUPERIOR NATIONAL BANK REGARDING TIMOTHY AND MONICA KOHN. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (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, ONE ABSTAINING (Susan J. LaFernier), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Addition to Lamson Case Brief -

MOTION MADE BY EDDY EDWARDS TO AUTHORIZE THE TRIBAL ATTORNEY TO ADD THE DENIAL REASON TO THE BRIEF IN THE LAMSON CASE REGARDING THE BUSINESS LICENSES FOR KBO. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), TWO ABSTAINING (Jerry Lee Curtis, Michael F. LaFernier, Sr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 2:37 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist