

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
FINANCE/SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – SEPTEMBER 16, 2010 – 9:00 A.M.

- A. Date: September 16, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Lord’s Prayer and prayers for Leonard Ellsworth, Barbara Mantila, and Doris Roberts
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President (left at 5:16 p.m.)
Susan J. LaFernier, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer (left at 5:34 p.m.)
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 11:10 a.m., left 1:12 – 2:00 p.m.)
Gary F. Loonsfoot, Sr. (arrived at 9:13 a.m., left at 2:40 p.m.)
Elizabeth D. Mayo (arrived at 9:14 a.m., left at 4:17 p.m.)
Isabelle Helene Welsh
Absent: Jerry Lee Curtis
Toni J. Minton
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 16, 2010
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|------------|-----------------|--|
| Additions: | Closed Session- | 1. President Swartz – Personnel Issue
7. President Swartz – c) Family of Doris Roberts Request
d) Discuss Council Meeting Schedule |
| | New Business- | 5. Bruce LaPointe – b) Marquette Property
3. Larry Denomie III, CEO – Fun Industries Rental Agreement
4. Gary Loonsfoot, Jr., Language Coordinator – Language Instructors Services Agreement |

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Toni J. Minton), MOTION CARRIED.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 9:20 A.M. AND ALLOW KBIC MEMBERS TO BE PRESENT. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Toni J. Minton), MOTION CARRIED.

G. For Your Information:

1. 9th Annual Michigan Indian Day Event September 24, 2010 in East Lansing
2. Tribal Consultation Sessions regarding the Strategic Plan 2011-2016 from Larry Echo Hawk, Assistant Secretary Indian Affairs
3. Baraga Casino General Manager July 2010 Financial Report

H. Closed Session:

1. President Swartz – Personnel Issue
2. Budget Reviews –
 - a) Jennifer Misegan, Enrollment
 - b) Todd Warner, Natural Resources
 - c) Doreen Blaker, Firefighters
 - d) Judy Heath, Social Services
 - e) Brad Dakota, Tribal Court
 - f) Dale Shalifoe, Gaming Commission
 - g) Amy St. Arnold, Education
 - h) Jim Stingle, Grant Writer
 - i) Warren C. Swartz, Jr., President
 - j) Carole LaPointe, Health Department

Break: 10:00 – 10:10 a.m.

Mike LaFerner, Sr. arrived at 11:10 a.m.

Lunch: 12:00 – 1:12 p.m.

Mike LaFerner, Sr. returned from lunch at 2:00 p.m.

Break: 2:20 – 2:35 p.m.

Gary Loonsfoot, Sr. left at 2:40 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 3:15 P.M. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

I. New Business:

1. Debbie Parrish, OCC – Request for a Services Agreement for Student Housing with the Four Seasons Motel

MOTION MADE BY EDDY EDWARDS TO TABLE UNTIL THE COUNCIL HAS A MEETING REGARDING THE USE OF THE FOUR SEASONS WITH DEBRA PICCIANO AND CAROLE LAPOINTE REGARDING A PRIOR DISCUSSION. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

2. Derek Sever, Radio Station Manager – Comedy Club Contracts for \$1,200.00 each for (3) shows

MOTION MADE BY EDDY EDWARDS TO APPROVE THE COMEDY CLUB AGREEMENT BETWEEN THE KBIC RADIO STATION AND THE FUNNY BUSINESS AGENCY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

3. Bruce LaPointe, Project Manager [Not present] –
 - a) Ojibwa Builders Change Order for New Day Center Flooring

MOTION MADE BY ISABELLE H. WELSH TO APPROVE CHANGE ORDER #003-2010 TO THE NEW DAY FACILITY FOR \$12,945.45 FROM THE L’ANSE FURNITURE MART. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

- b) Marquette Property [Rescheduled until Tuesday]

[Closed session]

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 3:33 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFERNIER, Sr.), THREE OPPOSED (Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

3. Pauline Spruce –

- a) Review TERO Director/Work Force Coordinator Applications for Interviews
- b) Review Park/Marina Caretaker Applications for Interviews

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 3:52 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

Christmas Check Distribution Age Guideline –

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE DISTRIBUTION OF THE CHRISTMAS CHECKS TO THOSE 18 YEARS AND OVER AND LIVING IN BARAGA AND MARQUETTE COUNTIES AS OF OCTOBER 1ST. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (William E. Emery, Susan J. LaFERNIER, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo), THREE OPPOSED (Elizabeth “Chiz” Matthews, Eddy Edwards, Isabelle H. Welsh), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

Eddy Edwards stated his opposition: He believes it is in violation with the Tribe's own law.

[New Business]

4. President Swartz –

- a) Woodland Singers Donation Request to attend a powwow in California on September 24-26, 2010

MOTION MADE BY EDDY EDWARDS TO APPROVE \$1,500.00 TO THE WOODLAND SINGERS TO TRAVEL TO THE POWWOW AND REPRESENT KBIC. SUPPORTED BY ISABELLE H. WELSH. THREE IN FAVOR (Susan J. LaFERNIER, Eddy Edwards, Isabelle H. Welsh), FIVE OPPOSED (William E. Emery, Elizabeth “Chiz” Matthews, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION DEFEATED.

- b) Negaunee Township - 2% Funds Distribution Request – They are requesting the money allocated from the reserved 2% distribution in their account, for a water sewer project (for the new Casino), to use \$5,000.00 - \$10,000 to purchase a water storage tank to accomplish their request.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE NEGAUNEE TOWNSHIP REQUEST UP TO \$10,000.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Michael F. LaFernier, Sr., Isabelle H. Welsh), FOUR OPPOSED (Susan J. LaFernier, Eddy Edwards, Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), TIE VOTE. PRESIDENT SWARTZ VOTES IN FAVOR, MOTION CARRIED.

- c) Family of Doris Roberts Request -

Aid to Family Members Traveling for Funeral – CNAP Policy Amendment

MOTION MADE BY WILLIAM E. EMERY TO AMEND THE POLICY REGARDING FAMILY MEMBERS TRAVELING FOR A FUNERAL THAT IT WILL BE AT THE DISCRETION OF THE PRESIDENT TO EXPEND UP TO \$1,000.00 AND THREE HOTEL ROOMS FOR THREE NIGHTS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

- d) Discussion on Council meeting schedule – President Swartz requested to move the budget review meeting scheduled for tomorrow to Tuesday, September 21st as there are member funerals.

Discussion: President Swartz will get the OHA financials as requested at the Saturday meeting. It is a public document and President Swartz will bring on Tuesday for review.

Break: 4:17 – 4:24 p.m.

Elizabeth Mayo left at 4:17 p.m.

[Closed Session]

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 4:25 P.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

4. John Baker, Attorney –

- a) Casino Issues
- b) Casino Restaurant Space Lease
- c) Uniform Commercial Code – Proposed Title XX Secured Transactions Ordinance

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 5:02 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Fred Dakota, Michael F. LaFerner, Sr., Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ONE ABSTAINING (William E. Emery), FOUR ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

[New Business]

5. John Baker, Attorney – Renewal Business License John Hebert for Hebert Construction

MOTION MADE BY FRED DAKOTA TO APPROVE THE BUSINESS LICENSE RENEWAL FOR JOHN HEBERT FOR HEBERT CONSTRUCTION AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

6. Larry Denomie III, CEO – Fun Industries, Inc. Rental Agreement for a Cash Cube Money Machine for the Baraga Casino’s 25th Anniversary November 6-13, 2010 for \$2,233.54

MOTION MADE BY EDDY EDWARDS TO APPROVE THE RENTAL AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND FUN INDUSTRIES, INC. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFerner), FOUR ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

7. Gary Loonsfoot, Jr., Language Coordinator [not present] – Language Instructors Services Agreement

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND LINDA TRUDEAU LANGUAGE IMMERSION INSTRUCTOR. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND ROSE TRUDEAU LANGUAGE IMMERSION INSTRUCTOR. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

Casino Restaurant Space Lease – 2-year lease October 2010 – September 2012

MOTION MADE BY EDDY EDWARDS TO APPROVE THE CASINO RESTAURANT SPACE LEASE AGREEMENT BETWEEN KBIC AND FADIL IBRAIMI. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

J. Old Business:

1. Economic Development Committee/Janice Halverson, Vice Chair/Gregg Nominelli, Economic Developer/Bruce LaPointe, Project Manager/John Baker, Attorney – Corporate and Limited Liability Codes

Mr. Baker recommends a Limited Liability Code Ordinance.

William Emery left at 5:16 p.m.

MOTION MADE BY EDDY EDWARDS TO SCHEDULE THE 3RD READING OF THE CORPORATE CODE FOR THE FIRST SATURDAY IN NOVEMBER 2010. SUPPORTED BY ISABELLE H. WELSH. SIX IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

[New Business]

8. Debbie Parrish (not present)/Robin Chosa – Regarding OCC Letter to President Swartz from Tim Shanahan, Board of Regents Chairman – Mary Breslin, Regarding Accreditation Higher Learning Commission, budget proposals and programs offered by the college (fitness center and the diabetes education grant)

Eddy Edwards left at 5:34 p.m.

K. Adjournment:

MOTION MADE BY ISABELLE H. WELSH TO ADJOURN AT 5:35 P.M.. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, SIX ABSENT (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist