

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – DECEMBER 17, 2009 – 9:00 A.M.**

- A. Date: December 17, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:04 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFERNIER, Vice-President
Toni J. Minton, Secretary (arrived at 9:12 a.m.)
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer
Jerry Lee Curtis
Fred Dakota
Michael F. LaFERNIER, Sr. (arrived at 9:24 a.m.)
Gary F. Loonsfoot, Sr.
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (left at 11:31 a.m.)

Absent: Isabelle Helene Welsh

- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 17, 2009

Move:	Closed Session-	2. Jennifer Misegan – Donations to New Business 7. a)
Additions:	New Business-	7. b) Jennifer Misegan – 2% Request

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFERNIER, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Michael F. LaFERNIER, Sr., Isabelle H. Welsh), MOTION CARRIED.

Toni Minton arrived at 9:12 a.m.

G. For Your Information:

1. 3rd Annual Tribal Casino and Hotel Development Conference – Master Planning, Design and Construction – February 2-3 - Temecula, California
2. Phone Poll December 14, 2009 – Wausamotouikwe Sandman Shelifoe Donation Request Approved for \$100.00 to go to Alaska
3. Senate Committee Passes PACT Act to Extinguish Indian Mail Order Tobacco Trade

H. Approval of Meeting Minutes:

1. July 23, 2009

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE JULY 23, 2009 MEETING MINUTES WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Isabelle H. Welsh), MOTION CARRIED.

Mike LaFernier, Sr. arrived at 9:24 a.m.

2. July 30, 2009

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE JULY 30, 2009 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

3. August 4, 2009

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE AUGUST 4, 2009 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

I. Old Business:

1. Jennifer Misegan – 3rd Reading - Amendments to Gaming Regulatory Proposed Ordinance 2009-04 and Gaming Commission Proposed Ordinance 2009-05

[See Legislative File]

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE PROPOSED ORDINANCE AMENDMENTS TO THE GAMING REGULATORY ORDINANCE 2009-04 AND GAMING COMMISSION ORDINANCE 2009-05 AND MOVES THAT THE ORDINANCE BE APPROVED. SUPPORTED BY TONI J. MINTON.

Jennifer Misegan – Amendment #1 of Proposed Ordinance 2009-05- (Section 18A.209 Executive Director (A) delete “retain” and replace with “hire”)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE AMENDMENT #1 TO SECTION 18A.209. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Jennifer Misegan – Amendment #2 of Proposed Ordinance 2009-04- (Section 18B.505 Provisional Gaming Employee License (A) add “and the fingerprint check”)

MOTION MADE BY TONI J. MINTON TO APPROVE AMENDMENT #2 TO SECTION 18B.505. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Elizabeth Mayo – Amendment #3 of Proposed Ordinance 2009-05- (adding (A), (B) and (C) under Section 18A.104 Duration)

MOTION MADE BY FRED DAKOTA TO APPROVE AMENDMENT #3 TO SECTION 18A.104, FOREVER OR UNTIL CHANGED. (Fred Dakota withdrew his motion)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AMENDMENT #3 TO SECTION 18A.104. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), TWO OPPOSED (Jennifer Misegan, Gary F. Loonsfoot, Sr.), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Susan LaFERNIER – Amendment #4 of Proposed Ordinance 2009-04- (Section 18B.201 Definitions (5) (D) (a) delete “or” typo, 18B.303 Application Procedure (B) (1) 797 to 16449 and 18B.304 Term of License (A) (1.) 797 to 16449 address correction)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AMENDMENT #4 TO SECTIONS 18B.201, 18B.303 AND 18B.304. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Susan LaFerner – Amendment #5 of Proposed Ordinance 2009-04- (Section 18B.504 Application Fee)
The Community may charge a license fee with recommendation from the Gaming Commission to be established by the Tribal Council to cover the Gaming Commission’s expenses in investigating and licensing Primary Management Officials and Key Employees.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AMENDMENT #5 TO SECTION 18B.504. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Return to the original motion:

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AMENDMENTS TO THE GAMING REGULATORY ORDINANCE 2009-04 AND GAMING COMMISSION ORDINANCE 2009-05. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Gary F. Loonsfoot, Sr.), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Break: 9:58 – 10:15 a.m.

2. Larry Denomie III, CEO – Commercial Construction Building Inspection Fee Options

MOTION MADE BY JENNIFER MISEGAN TO ADOPT THE COMMERCIAL CONSTRUCTION FEES AND TO PAY THE INSPECTOR THIS WAY. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), THREE OPPOSED (William E. Emery, Fred Dakota, Elizabeth D. Mayo), ONE ABSTAINING (Elizabeth “Chiz” Matthews), ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

J. New Business:

1. Larry Denomie III, CEO –
 - a) Heating Payments for Senior/Disabled Program for FEMA Homes

MOTION MADE BY ELIZABETH D. MAYO TO HAVE DEBRA PICCIANO REVIEW PAYMENTS MADE FROM NOVEMBER TO MAY FOR THE SENIOR HEATING AND DISABILITY PROGRAM TO SEE HOW MUCH WAS THE HIGHEST AMOUNT PAID OUT AND BRING THE INFORMATION BACK TO THE COUNCIL SO IT CAN BE DETERMINED WHETHER OR NOT THERE IS A NEED TO CAP THE AMOUNT. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

- b) Computer Use Policy – The CEO’s office sent out a memo stating that effective December 21 all social internet sites will be blocked for use by employees at their computer work stations

2. Jason Ayres, Realty –

- a) Resolution KB-1718-2009 ARRA “Road Repair and Restoration Projects” Contract for \$38,000.00

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1718-2009 ARRA MAINTENANCE CONTRACT AND HAVE THE CHAIRMAN SIGN AFTER SATISFACTORY INSURANCE ENDORSEMENTS, AS REQUIRED BY THE CONTRACT, HAVE BEEN RECEIVED. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED. (Elizabeth Mayo out of the room)

MOTION MADE BY WILLIAM E. EMERY TO APPROVE A SEPARATE BANK ACCOUNT TO COMPLY WITH THE TERMS OF THE ARRA MAINTENANCE CONTRACT. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED. (Elizabeth Mayo out of the room)

- b) Resolution KB-1724-2009 Cancels Edward E. Bourdage’s unrecorded lease and grants Bradley T. Dakota a Recreational Lease

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1724-2009 ED BOURDAGE AND BRAD DAKOTA LEASE TRANSFER. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

- c) GPS Equipment Bids (3) – ANA LUMP Grant

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE PURCHASE OF A TRIMBLE GPS UNIT AND ACCESSORIES FROM SEILER FOR THE PRICE OF \$9,442.00 AS PER THE BID AND ALLOW THE REALTY OFFICE TO TRADE IN THE OLDER GPS UNIT IN ITS POSSESSION. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

3. Marty Curtis – Student Sovereign Fund

MOTION MADE BY JERRY LEE CURTIS TO ADD DICKINSON COUNTY TO THE SERVICE AREA OF THE SOVEREIGN FUND. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

4. Todd Warner, NRD – FYI U.S.41 – Usimaki Road Property – Todd informed the Council that a permit is needed from the Army Corps to continue with the proposed new gas station because of regulated wetlands.

Todd also informed the Council on a power outage at the hatchery causing the loss of 16,000 one-year-old Lake Trout fish stock.

Elizabeth Mayo left at 11:31 a.m.

5. Sarah Smith, Assistant CEO –

- a) Digital Water Leak Detector Bids (3) for the Zeba Water Plant. Payment will be from the excess funds from the Old 41 Mission Road Watermain Extension Project

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BID FROM INSTRUMENT TECHNOLOGY CORPORATION IN THE AMOUNT OF \$5,895.00. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

(William Emery out of the room)

- b) Energenecs Proposal – To Upgrade the Zeba Pump Station, Chemical Pumping and Alarm System Modifications

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE BID AMOUNT WITH THE PROPOSAL AND TO HAVE THE PRESIDENT SIGN, AFTER WORKING WITH THE ATTORNEY ON THE AGREEMENT, IN THE AMOUNT OF \$14,355.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

(William Emery out of the room)

6. President Swartz – Schedule January Regular Council Meeting – Saturday, January 2, 2010

President Swartz updated the Council on a meeting with Jim St. Arnold. GLIFWC is donating 25 pounds of wild rice and thrashers. The Council suggested donating this rice to the Cultural Committee.

7. Jennifer Misegan, Treasurer –

- a) (5) December Donations were reviewed and decided not to fund any of the 5 requests.
- b) 2% Request - Baraga County Convention and Visitors Bureau Request for 2% Funds for the next cycle

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE \$15,000.00 IN 2% FUNDS TO THE BARAGA COUNTY CONVENTION AND VISITORS BUREAU. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), THREE OPPOSED (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan), ABSTAINING - 0, TWO ABSENT (Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Larry Denomie updated the Council regarding ITC funding for Head Start. He will send a letter to ITC relinquishing KBIC’s relationship with the Head Start Program.

President Swartz added that he had a request from Janice Shalifoe to receive a Pines gift card for \$50.00, as she is a Language Mentor. The Council consensus was to deny the request as the gift cards were given for the employees and Committees did not receive this gift.

President Swartz also added the State is raising the daily lake trout limit from 3 to 5. It was noted that the State does not plant any fish in the lakes and the Tribe puts back more than what they take.

Jennifer Misegan requested information on the 401K Plan with the Ojibwa Housing Authority. President Swartz stated that he did not meet with Eddy Edwards, Director, on the 401K Plan yet.

K. Adjournment:

MOTION MADE BY JERRY LEE CURTIS TO ADJOURN AT 11:54 A.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist