

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – SEPTEMBER 18, 2008 –9:00 A.M.**

- A. Date: September 18, 2008
- 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
Susan J. LaFernier, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO (left 9:45 – 10:33 a.m.)
Doreen G. Blaker (left 9:53 a.m. – 2:42 p.m.)
Jerry Lee Curtis (left 3:04 – 3:31 p.m., left at 4:20 p.m.)
Michael F. LaFernier, Sr. (arrived at 10:37 a.m., left 3:25 – 3:34 p.m.)
Elizabeth “Chiz” Matthews (left 1:15 – 3:46 p.m.)
Elizabeth D. Mayo
Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 18, 2008
- Addition: New Business- 1.b) President Swartz – LVD Wild Rice Mini Camp Request

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

G. For Your Information:

1. Christmas Party Sign-up Sheet – Attendance Sheets must be returned by Nov. 1st
2. Quarterly Progress Report April – June 2008 from OCC
3. Traditional Funeral Teachings by Larry “Amik” Smallwood, Mille Lacs Band Ojibwa – September 22 & 23, 2008 in Ojibwa Casino Resort Conference Room

H. Old Business:

1. Larry Denomie, CEO – Pines Generator Bids (final) – Dominic Picciano recommended the bid from Cummins Power and they will install.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE \$41,876.99 FOR CUMMINS POWER FOR THE DIESEL GENERATOR FOR THE PINES. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Fred Dakota), ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

I. New Business:

1. Warren C. Swartz, Jr., President – a) Resolution KB-1630-2008-NCAI Annual Membership Renewal with the delegate and four alternates. The fee is based on Tribal Membership.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1630-2008 NCAI MEMBERSHIP RENEWAL FOR \$10,000.00. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

- b) LVD Wild Rice Mini Camp Request – September 26-28, 2008 at LVD Powwow Grounds

MOTION MADE BY TONI J. MINTON TO APPROVE \$125.00 PER TRIBAL MEMBER WHO ATTENDS THE WILD RICING CAMP AT LVD WITH PRESIDENT SWARTZ. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

2. John Mantila, Casino Manager/David Haataja, Casino Manager – Approval of Pick 2 Poker Lease Agreements from Gaming Entertainment. These will replace the 3-5-7 poker games. The Gaming Commission approved this on September 16th.

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE PICK 2 POKER LEASE AGREEMENTS FROM GAMING ENTERTAINMENT IN BARAGA AND MARQUETTE. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

David also handed out a request for two more digital recorders from MidState. This will be discussed later in the meeting.

Larry Denomie left at 9:45 a.m.

3. John Baker, Attorney –
 - a) Lawrence J. Denomie, III – Bay Shore BP - Renewal Business License

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE BUSINESS LICENSE RENEWAL FOR LARRY DENOMIE FOR THE BAYSHORE BP FOR RETAIL SALES/FOOD PREP AND SALES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ONE ABSTAINING (Fred Dakota), TWO ABSENT (Larry J. Denomie III, Michael F. LaFernier, Sr.), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She believes he has a State license and he should either get a State license or a KB license.

- b) Lawrence J. Denomie, III - Bay Shore BP – Renewal Liquor License

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE LIQUOR LICENSE RENEWAL FOR LARRY DENOMIE UNDER THE NAME OF BAYSHORE BP. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Doreen G. Blaker, Jerry Lee Curtis), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ONE ABSTAINING (Elizabeth “Chiz” Matthews), TWO ABSENT (Larry J. Denomie III, Michael F. LaFernier, Sr.), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She feels the same as before, one or the other.

Fred Dakota stated his opposition: He feels there is State stuff going on there.

4. Carole LaPointe, Health Director/Becky Tussing, Associate Director – Information Update - Possible Funding Request for the Tribal Health Fund.

Doreen Blaker left at 9:53 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$102,684.00 TO BE PUT INTO OUR TRIBAL HEALTH FUND. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr.), MOTION CARRIED.

Approval of a Server from Dell (3 bids) for the Health Department for the Electronic Health Records System- which will be implemented in the next two years.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$5300.00 FOR A POWER EDGE SERVER FOR THE ELECTRONIC HEALTH RECORDS SYSTEM. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr.), MOTION CARRIED.

J. Closed Session:

1. Gregg Nominelli, Economic Developer – Olympic Steel Lease
2. Doreen Blaker - Contract Renewal
3. Sarah Smith, Assistant CEO – Newsletter Contract Renewal (Revised)
4. David Haataja, Marquette Casino Manager – **1:00 p.m.**
5. John Mantila, Baraga Casino Manager – **2:00 p.m.**
6. Larry Denomie III, CEO/Todd Overbeek, Radio – Contract
7. John Baker, Attorney
8. Warren C. Swartz, Jr., President

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 10:12 A.M. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, THREE ABSENT (Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr.), MOTION CARRIED.

Break: 10:14 – 10:33 a.m.

Larry Denomie returned at 10:33 a.m.

Mike LaFerner arrived at 10:37 a.m.

Lunch: 12:02 – 1:13 p.m.

Chiz Matthews left at 1:15 p.m.

Doreen Blaker returned at 2:42 p.m.

Break: 3:04 – 3:15 p.m.

Jerry Lee Curtis left at 3:04 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:20 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

Industrial Park Lease Agreement with Olympic Steel-

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE INDUSTRIAL PARK LEASE WITH OLYMPIC STEEL. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

Lauri Denomie Newsletter Contract-

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT WITH LAURI DENOMIE FOR THE COMMUNITY NEWSLETTER EFFECTIVE SEPTEMBER 23, 2008. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Doreen G. Blaker, Michael F. LaFerner, Sr., Fred Dakota), OPPOSED - 0, TWO ABSTAINING (Larry J. Denomie III, Elizabeth D. Mayo), TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

Harlan Downwind Contract-

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH HARLAN DOWNWIND FOR ONE YEAR EFFECTIVE OCTOBER 1, 2008. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

Mike LaFerner left at 3:25 p.m.

Pines Slots-

MOTION MADE BY ELIZABETH D. MAYO TO HAVE THE GENERAL MANAGER OF THE BARAGA CASINO, JOHN MANTILA, MOVE FORWARD WITH OPENING THE PINES SLOTS ON OCTOBER 1, 2008. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Larry J. Denomie III), THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), MOTION CARRIED.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 3:27 P.M. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), MOTION CARRIED.

Jerry Lee Curtis returned at 3:31 p.m.

Mike LaFernier returned at 3:34 p.m.

Chiz Matthews returned at 3:46 p.m.

Jerry Lee Curtis left at 4:20 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 5:10 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Justin Marzke, Radio Station Sales Manager Services Agreement-

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SERVICES AGREEMENT WITH JUSTIN MARZKE FOR THE RADIO STATION AS THE RADIO STATION SALES MANAGER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Monica Kohn Donation for LaCourt Bottled Gas -

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$1500.00 FOR LACOURT BOTTLED GAS FOR MONICA KOHN. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 5:14 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary