

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MAY 5, 2011 – 9:00 A.M.

- A. Date: May 5, 2011
- B. Call to Order: Vice President Emery called the meeting to order at 9:08 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: William E. Emery, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left 10:10 – 11:28 a.m.)
Eddy Edwards, Treasurer (arrived at 9:11 a.m.)
Jerry Lee Curtis
Fred Dakota (left at 12:13 p.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr. (left 1:20 – 1:38 p.m.)
Elizabeth “Chiz” Matthews
- Absent: Warren C. Swartz, Jr., President
Elizabeth D. Mayo
Isabelle Helene Welsh
- E. Declaration of Quorum: Vice President Emery declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 5, 2011
- | | | |
|------------|-----------------|--|
| Deletions: | Closed Session- | 1. Jacki Skytta, Casinos Marketing Manager -
a) Special Event Concert Proposal
b) Special Event Cage Fighting Proposal |
| Additions: | New Business- | 2. Jason Ayres, Realty Officer/Eddy Edwards -
c) Huron Bay Properties |

5. Susan LaFernier, Secretary – a) CNAP Policy Amendment
b) IDA Policy for Braces
6. Eddy Edwards, Treasurer – Reschedule the Saturday, May 7, 2011 Council Meeting

Old Business-

6. Fred Dakota – Response to OCC Letter

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Eddy Edwards, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Eddy Edwards arrived at 9:11 a.m.

G. For Your Information:

1. American Indian Probate Reform Act Workshop June 22 and June 23, 2011, 6:00–8:30 p.m. at BIA Great Lakes Agency in Ashland, WI
2. Donald A. LaPointe Health & Education Center Survey Report – March 16, 2011

H. Approval of Meeting Minutes:

1. September 21, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE SEPTEMBER 21, 2010 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

2. September 23, 2010

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE SEPTEMBER 23, 2010 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

3. September 27, 2010

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE SEPTEMBER 27, 2010 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

4. September 30, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE SEPTEMBER 30, 2010 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

I. Old Business:

1. Eddy Edwards, Treasurer – 2011 Island Resort Championship at Sweetgrass – Harris, MI Pro-Am Golf Tournament – Donation benefitting the YMCA of Delta County \$1,600.00 per team June 22, 2011

MOTION MADE BY FRED DAKOTA TO APPROVE THE DONATION OF \$1,600.00 FOR THE BENEFIT OF THE YMCA OF DELTA COUNTY. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), ONE OPPOSED (Toni J. Minton), ONE ABSTAINING (Elizabeth “Chiz” Matthews), THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

2. Vice President Emery – Proposed Amendments to Enterprise and Government Policy Books

MOTION MADE BY EDDY EDWARDS TO TABLE THE PROPOSED POLICY AMENDMENTS UNTIL THE CEO IS PRESENT. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

3. Todd Warner, NRD – Spring Cleanup 2011 – June 6-10 for on-reservation curbside pickup and June 13-14 for on or off reservation drop off.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE 2011 SPRING CLEANUP PLAN AND TO RESTRICT TO ON-RESERVATION ONLY FOR THE CURBSIDE PICKUP AND OFF-RESERVATION CAN UTILIZE THE DROP-OFF SERVICE. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

[New Business]

1. Todd Warner, NRD – 2011 Kid’s Fishing Derby June 25, 2011

MOTION MADE BY TONI J. MINTON TO NAME THE 2011 KID’S DERBY IN HONOR OF SAM AND CHARLOTTE (MONGOOSE) DURANT (WHO FISHED IN THE 1890’S). SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Next year the Derby will be named in honor of the Gauthier’s.

[Return to Old Business]

4. Bruce LaPointe, Projects Manager –
 - a) Tribal Auction Items List – no list was provided. Bruce will have the list by 10:30 a.m. Department Heads/Managers will be viewing items from 1:00 - 3:00 p.m. They were notified by e-mail but some were missed.

Toni Minton left at 10:10 a.m.

- b) Modification #5 Silver Road Bridge Co-op Agreement with the Baraga County Road Commission

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE MODIFICATION #5, THE BARAGA COUNTY SILVER ROAD BRIDGE COOPERATIVE AGREEMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

5. Fred Dakota – Response to OCC Letter – Fred stated the College sent a letter of request to be included under the Tribe’s retirement plan and would like a response. Peggy Minton will discuss with President Swartz upon his return from the VOIGT Task Force meeting.

[New Business]

2. Jason Ayres, Realty Officer –

- a) Eddy Edwards, Treasurer/Huron Bay Properties 13.9 acres listed at \$660,000.00 and asking \$600,000.00

MOTION MADE BY EDDY EDWARDS TO DIRECT JASON AYRES TO NEGOTIATE A PRICE FOR LOT 1, FRED AND ILA ROLLINS PROPERTY IN HURON BAY, FOR \$600,000.00 AND TO INQUIRE ABOUT THE VALUE OF THE TIMBER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

- b) Resolution KB-1823-2011 Jeffrey W. Sirard Property Acquisition on Pequaming Road for 14.6 acres for \$31,000.00

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1823-2011 SIRARD PROPERTY ACQUISITION. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

- c) Resolution KB-1824-2011 Forcia/Dowd Leasehold Purchase/Sale – Lance J. Forcia and Michael P. Dowd have an agreement between each other that Lance will cancel his lease and purchase Michael P. Dowd’s lease.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-1824-2011. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Break: 10:45 – 11:02 a.m.

[Return to Old Business]

- 6. William Carlson, Negaunee Township Supervisor – Explanation of Request for Use of Escrowed 2% Funds in the amount of \$26,953.50 to pay contracts that exist regarding water system improvements for the Airport Casino Project from 2004-2006. An additional \$426.00 is also requested for a lawyer fee.

Elizabeth Matthews returned at 11:20 a.m.

Toni Minton returned at 11:28 a.m.

MOTION MADE BY EDDY EDWARDS TO TABLE THE REQUEST FOR ONE WEEK UNTIL THE CEO RETURNS. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

J. New Business:

3. Jim Stingle, Grant Writer - HUD ICDBG Project List FY2011 – The maximum grant amount is \$600,000.00 plus match. The application deadline is June 15, 2011.

MOTION MADE BY EDDY EDWARDS TO DIRECT STAFF TO LOOK AT A FACILITY IN ZEBA TO SERVE THE LOW INCOME RESIDENTS. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Eddy Edwards and Jim Stingle will meet with Gerry Mantila, Chiz Matthews, Beverly Lussier, Toni Minton, and Gene Emery to discuss a location in Zeba for a possible Community/Youth Facility.

4. Dale Dakota, Police Commissioner – Patrol Vehicle Bids (3) – COPS Grant

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PURCHASE OF PATROL VEHICLES FROM FREI CHEVROLET; TWO 2011 CHEVY CAPRICES AT \$26,944.00 EACH AND ONE 2011 CHEVY TAHOE AT \$30,238.00. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Lunch: 12:12 – 1:20 p.m.

Fred Dakota left at 12:13 p.m.

5. Susan LaFernier, Secretary –
 - a) CNAP Policy Amendment – Addition to Immediate Family Definition - In-laws

MOTION MADE BY EDDY EDWARDS TO AMEND THE CNAP POLICY FOR MEDICAL TRAVEL TO INCLUDE IMMEDIATE FAMILY AS DEFINED IN THE GOVERNMENT PERSONNEL POLICY 17.1 FUNERAL LEAVE; IN ADDITION TO WHAT IS ALREADY DEFINED IN THE CNAP POLICY. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

b) IDA Policy for Braces –

OHA could administer the funds through the IDA program. Eddy Edwards will draft a policy with options on how much the Tribe and parents could fund.

6. Eddy Edwards, Treasurer – Reschedule the Saturday, May 7, 2011 Council Meeting

MOTION MADE BY EDDY EDWARDS TO POSTPONE THE SATURDAY, MAY 7TH MEETING TO MAY 14, 2011. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Gary Loonsfoot, Sr. returned from lunch at 1:38 p.m.

K. Closed Session:

1. Carole LaPointe, Health Director – Letter of Employment

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:40 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 2:00 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO DIRECT CAROLE LAPOINTE, HEALTH DIRECTOR, TO PREPARE AN EMPLOYMENT AGREEMENT FOR THE PART-TIME PHARMACIST, MARCELLA FUNDUM. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

(Mike LaFernier, Sr. is out of the room)

L. Adjournment:

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ADJOURN AT 2:01 P.M. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Eddy Edwards, Michael F. LaFernier, Sr.), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist