

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
MONDAY – OCTOBER 10, 2011 – 9:00 A.M.**

- A. Date: October 10, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:13 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
William E. Emery, Vice President  
Susan J. LaFerner, Secretary  
Toni J. Minton, Assistant Secretary (arrived at 9:32 a.m.)  
Jerry Lee Curtis (left 10:17 – 11:35 a.m., left 12:15 p.m.)  
Fred Dakota (arrived at 10:09 a.m.)  
Michael F. LaFerner, Sr.  
Gary F. Loonsfoot, Sr. (left at 12:15 p.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo  
Isabelle Helene Welsh (arrived at 9:17 a.m.)  
Absent: Eddy Edwards
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 10, 2011
- Move: Closed Session 1. a) and b) to Old Business- Gary Loonsfoot, Sr. -  
2. a) DaShack Restaurant  
b) Personnel Issue

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

G. For Your Information:

**Isabelle Welsh arrived at 9:17 a.m.**

1. U.S. EPA Region 5 Letter - Former Pines Convenience Store/No Further Action (NFA) Request – Contamination no longer exists in soil or groundwater with the exception of a tap water exceedance in the immediate area of release.
2. DHHS Rhinelander District Office - Early Childhood Education Center Food Safety Survey Report
3. Registered Voter List

H. Old Business:

1. Larry Denomie III, CEO – Clarification of Motion Regarding President Signing Contract Modifications (Original motion September 6, 2007)

**Toni Minton arrived at 9:32 a.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO HAVE THE PRESIDENT SIGN ALL GRANT AWARD MODIFICATIONS FOR ADDITIONAL FUNDS AT HIS DISCRETION. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), TWO ABSENT (Eddy Edwards, Fred Dakota), MOTION CARRIED.**

2. Gary Loonsfoot, Sr. –
  - a) DaShack Restaurant (Liquor license)

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GRANT A WAIVER AND APPROVE A LIQUOR LICENSE TO DASHACK RESTAURANT TO SERVE BEER AND WINE ONLY. (IN STORE)

(Motion died for lack of support)

- b) Personnel Issue –

Gary is requesting to transfer Gary Loonsfoot, Jr. into an available position due to the language grant ending. Gary provided motions made for employees that were transferred to other positions when their grant ended or businesses were closed.

**Break: 9:55 – 10:10 a.m.**

**Fred Dakota arrived at 10:09 a.m.**

**Jerry Lee Curtis left at 10:17 a.m.**

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO PLACE GARY LOONSFOOT, JR. INTO THE THPO DEPARTMENT AS THE LANGUAGE COORDINATOR POSITION EFFECTIVE TODAY; AT GRADE NINE, THE SAME PAY HE WAS AT, AND TO WORK UNDER THE THPO DIRECTOR. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Fred Dakota, Gary F. Loonsfoot, Sr.), THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Elizabeth D. Mayo), MOTION CARRIED.**

(Elizabeth Mayo is out of the room)

I. New Business:

1. Peggy Minton, Election Board Vice Chair - 2011 Primary Election Approval of Tribal Council Candidates - (8) Baraga - (4) L’Anse, no Primary Election is needed.

**MOTION MADE BY TONI J. MINTON TO APPROVE THE L’ANSE AND BARAGA DISTRICT CANDIDATES FOR THE 2011 PRIMARY ELECTION. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO ABSENT (Eddy Edwards, Jerry Lee Curtis), MOTION CARRIED.**

2. Jennifer Misegan, Enrollment Director/Larry Denomie III, CEO –
  - a) Proposed Guidelines for Reservation Resident Status
  - b) Proposed Christmas Gift Check Guidelines/Changes 2011

**Jerry Lee Curtis returned at 11:35 a.m.**

3. Chairman Derek Bailey from the Grand Traverse Band of Ottawa and Chippewa Indians – Mr. Bailey is running for Senate in Michigan’s First Congressional District. He is asking to get the Indian Vote.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A CAMPAIGN CONTRIBUTION TO DEREK J. BAILEY FOR CONGRESS FOR THE ELECTION IN THE AMOUNT OF \$2,500.00. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.**

**Lunch: 12:15 – 1:07 p.m.**

**Jerry Lee Curtis and Gary Loonsfoot, Sr. left at 12:15 p.m.**

Jennifer Misegan reviewed the changes discussed regarding the Residency Definition and Christmas Gift Check Guidelines 2011.

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE DEFINITION OF RESIDENCY AS DISCUSSED AND THE 2011 CHRISTMAS CHECK GUIDELINES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

4. Susan LaFernier, Secretary – Request from Steven Loonsfoot to add Isabella County to the Student Sovereign Fund

**MOTION MADE BY ELIZABETH D. MAYO TO DENY THE REQUEST TO ADD ISABELLA COUNTY TO THE SOVEREIGN FUND. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (William E. Emery, Elizabeth “Chiz” Matthews), THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

5. President Swartz –
  - a) Resignation Letter from Tribal Council Treasurer

**MOTION MADE BY FRED DAKOTA TO ACCEPT THE RESIGNATION OF EDDY EDWARDS AS TREASURER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPOINT ELIZABETH D. MAYO TO THE EXECUTIVE COUNCIL TO FULFILL THE REMAINING TERM AS TREASURER. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

- b) Lori Sherman (not present) MTU 16<sup>th</sup> Annual Spirit of the Harvest Powwow Donation Request – October 22, 2011

**MOTION MADE BY FRED DAKOTA TO APPROVE THE REQUEST FROM LORI SHERMAN FOR THE 16<sup>TH</sup> ANNUAL SPIRIT OF THE HARVEST POWWOW IN THE AMOUNT OF \$8,000.00. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

- c) Keith Rolof MTU AISES National Conference November 10-12, 2011 Minneapolis, MN Donation Request – Registration Fee

**MOTION MADE BY TONI J. MINTON TO APPROVE THE REQUEST FROM KEITH ROLOF FOR THE AISES CONFERENCE IN THE AMOUNT OF \$250.00. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

- d) Committee Vacancy Selections

Youth Committee (1 seat) – (1) applicant

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE APPOINTING ANGELA OLSON TO THE YOUTH COMMITTEE TO FULFILL THE REMAINDER OF NANNETTE BECK’S TERM. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Hiring Committee (1 seat) – (3) applicants/paper ballot

**MOTION MADE BY SUSAN J. LAFERNIER TO APPOINT SHAWN LUSSIER TO THE HIRING COMMITTEE WITH THE INTENT TO FULFILL THE REMAINDER OF LAWRENCE SWARTZ’S TERM UNTIL APRIL 2013. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

6. Larry Denomie III, CEO – Weekly Update

**Break: 2:16 – 2:34 p.m.**

7. John Baker, Attorney – New Business License Application for Jeremy Hebert C & C Tire (Service Shop)

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE NEW BUSINESS LICENSE FOR JEREMY HEBERT’S C&C TIRE AT 107 CENTER STREET IN L’ANSE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

J. Closed Session:

1. Heather Funke/Donald Funke – Zeba Trailer Park Dog Issue
2. President Swartz – Tom Smithson Appellate Justices Contract
3. John Baker, Attorney

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:48 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

**MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 3:50 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Thomas L. Smithson Appellate Justices Contract –

**MOTION MADE BY FRED DAKOTA TO APPROVE THE APPOINTMENT OF TOM SMITHSON AS A JUSTICE OF THE APPELLATE DIVISION OF TRIBAL COURT AND THE APPELLATE JUSTICES THREE YEAR CONTRACT EFFECTIVE OCTOBER 8, 2011. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 3:55 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist