

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – AUGUST 13, 2009 – 9:00 A.M.**

- A. Date: August 13, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:17 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Susan J. LaFerner, Vice-President (arrived at 10:35 a.m.)  
Toni J. Minton, Secretary  
William E. Emery, Assistant Secretary  
Jennifer Misegan, Treasurer (left 3:45 – 4:04 p.m.)  
Jerry Lee Curtis (arrived at 9:38 a.m.)  
Fred Dakota (left 9:55 – 10:12 a.m.)  
Michael F. LaFerner, Sr. (arrived at 10:32 a.m., left 10:55 a.m. – 1:16 p.m., left at 4:11 p.m.)  
Gary F. Loonsfoot, Sr. (left at 2:13 p.m.)  
Elizabeth “Chiz” Matthews (arrived at 9:24 a.m.)  
Elizabeth D. Mayo (arrived at 1:16 p.m.)  
Isabelle Helene Welsh

[Individual photos of Council Members]

- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 13, 2009

Addition: Closed Session- 2. Francis Hosh LaPointe – GLI System

**MOTION MADE BY TONI J. MINTON TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Susan J. LaFerner, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.**

G. For Your Information:

1. KBIC Government Receptionist/Clerk & On-Call Worker Reference Guide

**Elizabeth Matthews arrived at 9:24 a.m.**

H. Approval of Meeting Minutes:

1. April 4, 2009

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

2. April 17, 2009

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE APRIL 17, 2009 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Susan J. LaFernier, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

3. April 20, 2009

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE APRIL 20, 2009 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Susan J. LaFernier, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

I. Old Business:

1. Ethics Ordinance Review/John Baker, Attorney – **9:00 – 11:00 a.m.** - Reviewed pages 16 – 18

**Jerry Lee Curtis arrived at 9:38 a.m.**

**Fred Dakota left 9:55 – 10:12 a.m.**

**Mike LaFernier, Sr. arrived at 10:32 a.m.**

**Susan LaFernier arrived at 10:35 a.m.**

**Break: 10:55 – 11:09 a.m.**

**Mike LaFernier, Sr. left at 10:55 a.m.**

2. Sarah Smith, Assistant CEO – UPEA & Donald LaPointe Health & Education Facility Renovation & Expansion

Sarah updated the Council regarding the additional fees that the contractor, U.P. Engineers, is charging for the expansion project. The Tribe does not own the plans to the building expansion. We have paid \$30,625.00. U.P. Engineers is requesting \$120,057.52 total, which they have stated is for additional work/changes that staff requested. The original contract was \$52,500.00. The Council did approve \$1800.00 additional for an Energy Audit.

**MOTION MADE BY FRED DAKOTA TO OFFER U.P. ENGINEERS HALF OF THE AMOUNT THEY HAVE REQUESTED FOR THE UNAUTHORIZED WORK OR THEIR SERVICES WILL BE TERMINATED. SUPPORTED BY JERRY LEE CURTIS. 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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

Sarah will return next week on August 20, 2009.

**Lunch: 12:03 – 1:16 p.m.** [Council Group Photo]

**Mike LaFernier, Sr. returned at 1:16 p.m.**

**Elizabeth Mayo arrived at 1:16 p.m.**

J. Closed Session:

1. Youth Programs and Facilities Coordinator Interviews (3)
2. Francis Hosh LaPointe, CFO – GLI System
3. Pauline Spruce, Personnel – Department Head Update
4. Jim Nardi, Human Resources – Department Head Update
5. John Baker, Attorney
6. Larry Denomie III, CEO
7. Warren C. Swartz, Jr., President

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 1:18 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Michael F. LaFernier, Sr.), MOTION CARRIED.**

(Jennifer Misegan and Mike LaFernier, Sr. out of the room)

Gary Loonsfoot, Sr. left at 2:13 p.m.

Break: 2:26 – 2:37 p.m.

Jennifer Misegan left 3:45 – 4:04 p.m.

Mike LaFerner, Sr. left at 4:11 p.m.

**MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 5:25 P.M. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Youth Programs and Facilities Coordinator Position -

By Council consensus, the Youth Programs and Facilities Coordinator was chosen by a ballot vote. The President will cast a vote.

Ballot Vote Results: Cheryne Clements – 6    Michaele “Shellie” Denomie – 3    Dale Shalifoe - 1

**MOTION MADE BY TONI J. MINTON TO OFFER THE POSITION OF YOUTH PROGRAMS AND FACILITIES COORDINATOR TO CHERYNE CLEMENTS BASED ON THE BALLOT VOTE. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Resolution KB-1705-2009 C.L.E.C. – To engage in business as a “Competitive Local Exchange Carrier” under the rules and requirements of the FCC

**MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1705-2009 C.L.E.C. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

American Legion Post #144 Court Case –

**MOTION MADE BY FRED DAKOTA TO SUBMIT AN AMICUS BRIEF ON THE AMERICAN LEGION POST #144 VS MICHIGAN PROPERTY CASUALTY COURT CASE AND TAKE FORMAL ACTION. SUPPORTED BY ELIZABETH D. MAYO. THREE IN FAVOR (Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), SIX OPPOSED (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION DEFEATED.**

K. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 5:33 P.M. SUPPORTED BY ISABELLE H. WELSH. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist