

KEWEENAW BAY INDIAN COMMUNITY

2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
ELIZABETH D. MAYO, Vice-President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
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ROBERT R.D. CURTIS, JR.
FRED DAKOTA
JEAN JOKINEN
MICHAEL F. LAFERNIER, SR.
CAROLE L. LAPOINTE
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.

Dec. 17, 1936

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 24, 2013 – 9:00 A.M.**

APPROVED

10-30-14

- A. Date: January 24, 2013
- B. Call to Order: President Swartz called the meeting to order at 9:01 a.m.
- C. Invocation: Lord's Prayer and prayers for Blue Misegan and Tracy Emery
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President (left 3:09 – 3:34 p.m.)
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 9:42 a.m.)
Jennifer Misegan, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota (arrived at 10:31 a.m.)
Jean Jokinen
Michael F. LaFernier, Sr. (arrived at 9:10 a.m.)
Carole L. LaPointe
Elizabeth "Chiz" Matthews
Don Messer, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 24, 2013
- | | | |
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| Deletions: | Old Business- | 3. Jason Ayres, Realty Officer – Road Naming (2) |
| | New Business- | 4. President Swartz – a) ICWA Letter |

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE DELETIONS. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

G. For Your Information:

1. Letter of Appreciation from I.H.S. Division of Oral Health (from 1/17/13 Carole LaPointe)
2. Healing to Wellness Court Graduation Announcement January 29, 2013 at 1:00 p.m. (3 Participants)

H. Approval of Meeting Minutes:

1. December 1, 2011

Mike LaFERNIER, Sr. arrived at 9:10 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DECEMBER 1, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. THREE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Elizabeth "Chiz" Matthews), OPPOSED - 0, SIX ABSTAINING (Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

2. December 3, 2011

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DECEMBER 3, 2011 MEETING MINUTES. SUPPORTED BY SUSAN J. LAFERNIER. FOUR IN FAVOR (Elizabeth D. Mayo, Michael F. LaFERNIER, Sr., Susan J. LaFERNIER, Elizabeth "Chiz" Matthews), OPPOSED - 0, FOUR ABSTAINING (Jennifer Misegan, Robert R.D. Curtis, Jr., Carole L. LaPointe, Don Messer, Jr.), THREE ABSENT (Toni J. Minton, Fred Dakota, Jean Jokinen), MOTION CARRIED.

(Jean Jokinen is out of the room)

3. December 8, 2011

MOTION MADE BY ELIZABETH "CHIZ" MATTHEWS TO APPROVE THE DECEMBER 8, 2011 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Elizabeth "Chiz" Matthews, Michael F. LaFERNIER, Sr.), OPPOSED - 0, FIVE ABSTAINING (Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Don Messer, Jr., Carole L. LaPointe), TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

4. December 15, 2011

MOTION MADE BY ELIZABETH "CHIZ" MATTHEWS TO APPROVE THE DECEMBER 15, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. FOUR IN FAVOR (Elizabeth D. Mayo, Michael F. LaFERNIER, Sr., Susan J. LaFERNIER, Elizabeth "Chiz" Matthews), OPPOSED - 0, FIVE ABSTAINING (Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe, Don Messer, Jr.), TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

5. December 21, 2011

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO TABLE THE DECEMBER 21, 2011 MEETING MINUTES UNTIL THE RECORDING IS REVIEWED REGARDING PAGE FIVE. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

I. Old Business:

1. Mike Cardinal, Constitutional Committee Chair/Constitutional Committee – Resolution KB-1914-2013 Article VIII Amendment Section 1 and replaces Resolution KB-1862-2011, approved on November 17, 2011

Toni Minton arrived at 9:42 a.m.

MOTION MADE BY CAROLE L. LAPOINTE TO TABLE RESOLUTION KB-1914-2013 ARTICLE VIII AMENDMENT SECTION ONE FOR FURTHER REVIEW. SUPPORTED BY DON MESSER, JR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

2. Lindy Grell, Tribal Attorney – Secretarial Election Memo/Issue (The Council will discuss her changes to the Resolution in Closed)
3. Char Spruce, NRD Environmental Specialist – (Renewal) Tribal Environmental Agreement with EPA Region 5 2013-2015 with additions

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TRIBAL ENVIRONMENTAL AGREEMENT WITH THE EPA FROM 2013-2015. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

J. New Business:

1. Jacki Skytta, Casinos Marketing Manager/David Haataja – Casino Promotion Purchase Approval of 2013 Chevy Silverado Extended Cab at the Baraga Casino (3 bids) they recommend Kissel Chevrolet

The promotion starts on March 4th and continues until May 4th.

They have already issued approximately 2,000 tickets for the snowmobile promotion in Baraga and 1,900 tickets in Marquette.

The Council consensus was to provide a plan (revenue) for next week.

K. Closed Session:

1. Lew Dodak for Rick Johnson/Manny Lentini regarding the Jon Cherry (Lansing lobbying firm) contract renewal

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:02 A.M. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Elizabeth D. Mayo, Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Break: 10:23 – 10:34 a.m.

Fred Dakota arrived at 10:31 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 10:51 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

[New Business]

2. Lindy Grell, Tribal Attorney – Don Messer, Jr. and Jason Messer Business License Renewal for DaShack

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE DON MESSER, JR. AND JASON MESSER’S BUSINESS LICENSE RENEWAL FOR DASHACK WITH THE CONDITIONS OF CORRECTING THE REPEAT I.H.S. FINDINGS PRIOR TO THE NEXT INSPECTION. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

3. Jennifer Misegan, Treasurer – Social Networking

Jennifer would like to see the Tribe create its own Face Book page and the information will be from the Tribe, about the Tribe. Other departments currently have pages.

President Swartz stated it can be a good tool if used properly. The Council will look into KBOCC to provide training and the I.T. Department to develop policies for social networking due February 15, 2013.

Break: 11:15 – 11:34 a.m.

4. President Swartz – 1st Reading Proposed Ordinance 2013-01 General Provisions Title 1 Tribal Code

President Swartz read the Legislative Process.

MOTION MADE BY ELIZABETH D. MAYO TO WAIVE THE 1ST READING OF PROPOSED ORDINANCE 2013-01 TITLE 1 TRIBAL CODE GENERAL PROVISIONS AND TO SET A 2ND READING DATE. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

The 2nd Reading was scheduled for February 7, 2013 at 11:00 a.m.

5. Larry Denomie III, CEO – Weekly Update

2nd Reading of Proposed Ordinance 2013-02 Title 3 Criminal Penalties for Misuse of the Law Enforcement Information (LEIN) or National Crime Information Network Center (NCIC)

President Swartz read the Legislative Process.

Present:

President Swartz, Elizabeth Mayo, Susan LaFerner, Toni Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Mike LaFerner, Sr., Carole LaPointe, Elizabeth Matthews, Don Messer, Jr., Larry Denomie III, Lindy Grell, Heather Chapman, Peggy Minton, and Joanna Bemis.

President Swartz opened for public comments.

Heather Chapman gave a verbal comment. She stated access to the LEIN system is not approved for use in employee background checks.

No further comments received.

President Swartz closed the 2nd Reading at 11:48 a.m. The 3rd Reading was scheduled for January 31, 2013.

[Closed Session]

2. Joseph O’Leary/Brenda Turunen – KBIC MA Hog Farm Project Update
3. Larry Denomie III, CEO –
 - a) Director of Cultural Resources Position
4. Charles Brumleve, Environmental Mining Specialist - USGS Water Monitoring Proposal for the Yellow Dog Plains
5. Jeff Loman/Lori Sherman, Natural Resources Director/Jessica Koski, NRD Mining Technical Assistant – Environmental Assessment Briefing
6. Kelly Shelifoe (not present) – Personnel Issue

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:49 A.M. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Elizabeth D. Mayo, Jean Jokinen), ABSTAINING - 0, ABSENT – 1 (Fred Dakota), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 12:19 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Pig Farm Legal Defense Donation -

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A \$25,000.00 DONATION TO THE FARM TO CONSUMER LEGAL DEFENSE FUND FOR MA HOG FARM LITIGATION. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), THREE OPPOSED (Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Jennifer stated her opposition: she is opposed until the finance meeting.

Jean stated her opposition: she is opposed because Joseph O’Leary could have done this research.

Lunch: 12:24 – 1:25 p.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 1:26 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Michael F. LaFernier, Sr.), MOTION CARRIED.

Mike LaFernier, Sr. returned from lunch at 1:27 p.m.

Jennifer Misegan returned from lunch at 1:28 p.m.

Break: 2:39 – 2:51 p.m.

Elizabeth Mayo left 3:09 – 3:34 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:53 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

THPO - Director of Cultural Resources –

MOTION MADE BY JEAN JOKINEN TO REPOST THE POSITION OF CULTURAL RESOURCES DIRECTOR. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FIVE IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), SIX OPPOSED (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Don Messer, Jr.), ABSTAINING - 0, ABSENT – 0, MOTION DEFEATED.

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT GARY LOONSFOOT, JR. TO THE POSITION OF CULTURAL RESOURCES DIRECTOR (AND TO NEGOTIATE THE WAGE). SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), THREE OPPOSED (Susan J. LaFernier, Robert R.D. Curtis, Jr., Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

L. Adjournment:

MOTION MADE BY CAROLE L. LAPOINTE TO ADJOURN AT 3:58 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Respectfully submitted,



Peggy Minton
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 24, 2013 – 9:00 A.M.

A. Date: January 24, 2013

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Elizabeth D. Mayo, Vice President
- ___ Susan J. LaFernier, Secretary
- ___ Toni J. Minton, Assistant Secretary
- ___ Jennifer Misegan, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Jean Jokinen
- ___ Michael F. LaFernier, Sr.
- ___ Carole L. LaPointe
- ___ Elizabeth "Chiz" Matthews
- ___ Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: January 24, 2013

G. For Your Information:

1. Letter of Appreciation from I.H.S. Division of Oral Health (from 1/17/13 Carole LaPointe)
2. Healing to Wellness Court Graduation Announcement January 29, 2013 at 1:00 p.m.

H. Approval of Meeting Minutes:

1. December 1, 2011
2. December 3, 2011
3. December 8, 2011
4. December 15, 2011
5. December 21, 2011

I. Old Business:

1. Mike Cardinal, Constitutional Committee Chair/Constitutional Committee – Resolution KB-1914-2013 Article VIII Amendment Section 1

2. Lindy Grell, Tribal Attorney – Secretarial Election Issue
3. Jason Ayres, Realty Officer – Road Naming (2)
4. Char Spruce, NRD Environmental Specialist - Tribal Environmental Agreement with EPA

J. New Business:

1. Jacki Skytta, Casinos Marketing Manager – Casino Promotion Purchase Approval of 2013 Chevy Silverado Extended Cab
2. Lindy Grell, Tribal Attorney – Don Messer, Jr. and Jason Messer Business License Renewal for DaShack
3. Jennifer Misegan, Treasurer – Social Networking
4. President Swartz –
 - a) ICWA Letter
 - b) 1st Reading Proposed Ordinance 2013-01 Title 1 Tribal Code Recodification
5. Larry Denomie III, CEO – Weekly Update

K. Closed Session:

1. Rick Johnson/Manny Lentine – **10:00 a.m.**
2. Joseph O’Leary/Brenda Turunen – Pigs Update – **11:30 a.m.**
3. Jason Ayres, Realty Officer – USDA Lease Proposal
4. Larry Denomie III, CEO –
 - a) Director of Cultural Resources Position
 - b) DPW Employee Issue
5. Jessica Koski, NRD Mining Technical Assistant/Micah Petoskey, NRD Water Quality Specialist - USGS Water Monitoring Proposal
6. Jeff Loman/Lori Sherman, Natural Resources Director/Jessica Koski, NRD Mining Technical Assistant – Environmental Assessment Briefing – **3:00 p.m.**
7. Kelly Shelifoe – Personnel Issue

L. Adjournment:

2nd Reading of Proposed Ordinance 2013-02 Title 3 Criminal Penalties for Misuse of the Law Enforcement Information (LEIN) or National Crime Information Network (NCIC)