

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
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2014 TRIBAL COUNCIL

DONALD SHALIFOE, SR., Ojibwa
CAROLE L. LAPOINTE, Vice Chairwoman
JEAN JOKINEN, Secretary
GARY F. LOONSFOOT, SR., Asst. Secretary
EDDY EDWARDS, Treasurer

ROBERT "R.D." CURTIS, JR.
MICHAEL F. LAFERNIER, SR.
SUSAN J. LAFERNIER
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.
JENNIFER MISEGAN
WARREN C. SWARTZ, JR.

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – MARCH 28, 2013 – 9:00 A.M.

COPY

APPROVED
10-30-14

- A. Date: March 28, 2013
- B. Call to Order: President Swartz called the meeting to order at 9:05 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 1:00 p.m.)
Robert R.D. Curtis, Jr.
Fred Dakota
Jean Jokinen
Michael F. LaFernier, Sr. (arrived at 9:11 a.m.)
Carole L. LaPointe (arrived at 9:08 a.m.)
Elizabeth "Chiz" Matthews
Don Messer, Jr.
Absent: Jennifer Misegan, Treasurer
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

Carole LaPointe arrived at 9:08 a.m.

F. Approval of Agenda: March 28, 2013

Deletion:	New Business-	6. Lyndon Ekdahl, NRD – Equipment Purchase
Addition:	New Business-	1. Jeff Loman – Fish Farming

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

Mike LaFernier, Sr. arrived at 9:11 a.m.

G. For Your Information:

1. Department of the Interior - Sequestration Order Canceling approximately \$85 billion in Budgetary Resources across the federal government
2. Tribal Transportation Program Review Report from U.S. Department of the Interior (January 30-31, 2013)
3. KISMA (Keweenaw Invasive Species Management Area) MOU for your review to prevent and control non-native invasive species

H. Approval of Meeting Minutes:

1. March 29, 2012

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MARCH 29, 2012 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ONE ABSTAINING (Don Messer, Jr.), TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

2. April 5, 2012

MOTION MADE BY FRED DAKOTA TO APPROVE THE APRIL 5, 2012 MEETING MINUTES. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ONE ABSTAINING (Don Messer, Jr.), TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

3. April 12, 2012

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE APRIL 12, 2012 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, TWO ABSTAINING (Carole L. LaPointe, Don Messer, Jr.), TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

4. April 14, 2012

MOTION MADE BY FRED DAKOTA TO APPROVE THE APRIL 14, 2012 MEETING MINUTES. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Don Messer, Jr.), TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

I. Old Business:

1. Susan LaFernier, Secretary – Clarify a Motion from 03/09/13-Dan MacNeil Donation

MOTION MADE BY JEAN JOKINEN TO APPROVE A ONE-TIME DONATION OF \$7,000.00 TO DAN MACNEIL CONTINGENT UPON AN AGREEMENT THAT HE WILL WORK FOR KBIC AND IF HE DOES NOT PASS THE BAR EXAM HE WILL RETURN THE MONEY. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

2. David Haataja, GM, Dale Shalifoe, Baraga Casino Assistant General Manager - Michael Joseph License Agreement Renewal for Baraga Casino (tabled on 3/07/13) The surveillance reports were reviewed regarding “dusting off” from 6 months to 1 year prior

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MICHAEL JOSEPH LICENSE AGREEMENT RENEWAL FOR THE BARAGA CASINO. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Don Messer, Jr.), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

J. New Business:

1. Jeff Loman – Fish Farming

According to an article in the L’Anse Sentinel, WUPPDR is considering an Aqua Fish Farm. Jeff explained the dangerous levels of pathogens and diseases carried by penned fish which are carried to the other fish in the bay. Jeff also expressed his dissatisfaction with local governments not consulting with the Tribe on issues such as this. He feels Keweenaw Bay is proven to be essential to the reasons behind the creation of the reservation and the Tribe needs to oppose the aqua culture fish farming.

MOTION MADE BY ELIZABETH D. MAYO TO DRAW A RESOLUTION OPPOSING FISH FARMING AND HAVE IT BROUGHT BACK TO THE COUNCIL FOR REVIEW AND PASSAGE. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

Break: 10:05 – 10:15 a.m.

2. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager/Jacki Skytta, Casinos Marketing Manager – Marketing Budget Modification for the Can-Am Craze promotion

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TRANSFER OF \$20,000.00 FROM THE BARAGA CASINO MARKETING TO THE MARQUETTE CASINO MARKETING BUDGET. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr.), MOTION CARRIED.

(R.D. Curtis is out of the room)

3. Darren Webb, Commodity Foods Director – Air Conditioning Unit for the food area-(3) Bids

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE IN-HOUSE BID FROM THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF \$10,456.76 FOR THE COMMODITY FOODS PROGRAM WAREHOUSE AIR CONDITIONING UNIT. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

4. Pam Queoff, M3 Insurance Senior Account Executive/Scott Lanphear, Senior Risk Manager - Annual Insurance Stewardship Report 2013 to evaluate the insurance program and risk management efforts

Pam updated the Council on KBIC’s insurance program. Rates will increase slightly. Cyber liability was addressed regarding Social Media, which Pam stated has huge exposures.

5. Chuck Brumleve, Mining Specialist –
 - a) Update on Developing Options for Control of Mineral Development on the L’Anse Reservation

- b) U.S. Geological Survey Joint Funding Agreement for Water Monitoring of the Yellow Dog Plains and the Huron Mountain Club Commitment Letter

MOTION MADE BY FRED DAKOTA TO APPROVE THE JOINT FUNDING AGREEMENT BETWEEN KBIC AND THE HURON MOUNTAIN CLUB AND THE USGS FOR WATER MONITORING OF THE YELLOW DOG PLAINS. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

6. Lori Sherman, Natural Resource Director –

- a) 2013-2014 Commercial Fishing Licenses/Jeanne Kauppila Present – (19) Applications

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE COMMERCIAL FISHING LICENSES PRESENTED AND FRED COTE III FOR A SMALL ON-OFF LICENSE. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

- b) 2013 Environmental Fair - \$450.00 is needed to fund t-shirts. The Youth Program or Ojibwa Community College may have funds available.
- c) Superior Watershed Partnership Funding Transfer Agreement in the amount of \$50,000 for replacing culverts on Menge Creek with a \$5,000 in-kind match

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SUPERIOR WATERSHED PARTNERSHIP FUNDING TRANSFER AGREEMENT IN THE AMOUNT OF \$50,000.00 FOR A FISH PASSAGE THROUGH MENGE CREEK. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Susan J. LaFernier, Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

Susan LaFernier stated that there are concerns with the Partnership’s relationship with Rio Tinto

- 7. Cynthia Curtis (not present) – Request to Waive Pavilion/Campground Fee for Women’s Group on June 20-24, 2013

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO WAIVE THE PAVILION AND CAMPGROUND FEES FOR THE WOMEN’S GROUP GATHERING JUNE 20-24, 2013. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

- 8. Bruce LaPointe, Project Manager – Bids for Front-End Loader (4) Bobcat Toolcat 5600 F-Series from the Roads Budget

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE PURCHASE OF A BOBCAT AND ATTACHMENTS FROM QUALITY EQUIPMENT, INC. IN THE AMOUNT OF \$59,662.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

- 9. Fred Dakota – MIEA Travel Request for Ojibwa Senior Citizens – Spring Conference in Battle Creek, Michigan April 8-10, 2013 for \$4,808.42

MOTION MADE BY JEAN JOKINEN TO APPROVE THE TRAVEL REQUEST FROM THE OJIBWA SENIOR CITIZENS FOR THE MIEA SPRING CONFERENCE. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

- 10. President Swartz – Baraga Area Schools Yearbook Ad Request

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BARAGA AREA SCHOOLS REQUEST TO PURCHASE A SCHOOL YEARBOOK FULL-PAGE AD IN THE AMOUNT OF \$180.00. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

- 11. Larry Denomie III, CEO – Weekly Update

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:56 A.M. SUPPORTED BY CAROLE L. LAPOINTE. THREE IN FAVOR (Susan J. LaFernier, Michael F. LaFernier, Sr., Carole L. LaPointe), SIX OPPOSED (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION DEFEATED.

[Open Session]

1. Carole LaPointe, Health Director – Brian C. Kuopus, Audiologist, Professional Services Agreement

MOTION MADE BY JEAN JOKINEN TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH BRIAN C. KUOPUS TO PROVIDE AUDIOLOGY SERVICES FOR THE COMMUNITY. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Toni J. Minton, Jennifer Misegan), MOTION CARRIED.

Lunch: 12:01 – 1:06 p.m.

Toni Minton arrived at 1:00 p.m.

K. Closed Session:

1. Susan LaFernier, Secretary – Employee Re-Classification

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:07 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 1:43 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, 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, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 1:45 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, 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, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist