

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
FINANCE/SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – OCTOBER 1, 2009 – 9:00 A.M.**

- A. Date: October 1, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:15 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFerner, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer (left 9:45 – 10:05 a.m.)
Jerry Lee Curtis
Fred Dakota (left 10:41 – 11:32 a.m.)
Michael F. LaFerner, Sr. (arrived at 1:34 p.m.)
Gary F. Loonsfoot, Sr. (left at 2:28 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (left at 3:20 p.m.)
Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 1, 2009
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| Addition: | I. New Business- | 1. Larry Denomie III, CEO – Project Hope Presentation – 1:00 p.m. |
| Move: | Closed Session- | 6. to 2. Warren C. Swartz, Jr., President – Add Jason Ayres, Realty Officer Regarding Gary Magnant Issue |

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

G. Old Business:

1. Isabelle Welsh – Update on Beverly Hellyer Request

MOTION MADE BY ELIZABETH D. MAYO TO PAY JOHN HELLYER’S CELL PHONE EXPENSE AT \$100.00 A MONTH FOR ONE YEAR AND LOOK INTO HAVING IT ADDED TO THE TRIBE’S CELL PHONE CONTRACT ONCE HIS CURRENT CONTRACT EXPIRES. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Michael F. LaFERNIER, Sr.), MOTION CARRIED.

H. Closed Session:

1. Carole LaPointe, Health Director – Services Agreement Amendment 4D Pharmacy Management Systems, Inc.
2. Warren C. Swartz, Jr., President/Jason Ayres, Realty Officer – Gary Magnant Issue
3. Lynn Haataja, Interim General Manager Baraga – Enterprise [deleted during meeting]
4. Budget Reviews/Approvals
5. John Baker, Attorney – Tax Strategy
6. Larry Denomie III, CEO

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 9:33 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Michael F. LaFERNIER, Sr.), MOTION CARRIED.

Jennifer Misegan left 9:45 – 10:05 a.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 10:22 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN 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, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFERNIER, Sr.), MOTION CARRIED.

Deny Trailers in Beartown Housing Development -

MOTION MADE BY GARY F. LOONSFOOT, SR. TO DENY TRAILERS IN THE BEARTOWN HOUSING DEVELOPMENT, TRAILERS DEFINED AS 16 FEET BY 80 FEET OR LESS. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), THREE OPPOSED (Susan J. LaFERNIER, Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Michael F. LaFERNIER, Sr.), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She feels we don't have tribal members that can afford

\$115,000.00 to \$125,000.00 houses in that development and by Ojibwa Housing Authority purchasing the FEMA trailers, they are defeating the purpose for the Tribal Members.

Susan LaFernier stated her opposition: She feels there could have been a compromise.

Jennifer Misegan stated her favor: She feels that it was the decision of past Council to have it that way.

FEMA Trailer Extension for Gary Magnant -

MOTION MADE BY JENNIFER MISEGAN TO EXTEND THE DEADLINE FOR GARY MAGNANT TO APPLY FOR THE FEMA TRAILERS FOR 60 DAYS FROM TODAY. SUPPORTED BY ISABELLE H. WELSH. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Gary F. Loonsfoot, Sr.), ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 10:27 A.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

Break: 10:27 – 10:41 a.m.

Fred Dakota left 10:41 – 11:32 a.m.

Lunch: 11:56 a.m. – 1:10 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 1:11 P.M. SUPPORTED BY JERRY LEE CURTIS. TEN 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, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

I. New Business:

1. Larry Denomie III, CEO/Debbie Picciano – “Project Hope” for the 4 Seasons Hotel PowerPoint Presentation

Mike LaFernier, Sr. arrived at 1:34 p.m.

Break: 2:21 – 2:38 p.m.

Gary Loonsfoot, Sr. left at 2:28 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:39 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Fred Dakota out of the room)

Elizabeth Mayo left at 3:20 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 4:00 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFERNIER), ABSTAINING - 0, TWO ABSENT (Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Barbara Knipp Reimbursement Request – Rental was due to the length of time for sewer hook up to her new home.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO PAY BARBARA KNIPP FOR HALF THE EXPENSE FOR THE RENTAL OF A-1 TOY-LETS IN THE AMOUNT OF \$264.50. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Average Wholesale Price (AWP) Change Amendment to client Agreement effective Sept. 1, 2009 –

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE AWP CHANGE AMENDMENT TO CLIENT AGREEMENT FOR CLAIMS PROCESSING SERVICES WITH THE 4D PHARMACY MANAGEMENT SYSTEMS, INC. AWP CONTRACT. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Special Counsel Contract with Dorsey and Whitney – October 1, 2009

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE SPECIAL COUNSEL CONTRACT WITH DORSEY AND WHITNEY WITH A CHANGE TO THE END OF PARAGRAPH ONE TO INCLUDE AND/OR THE TRIBAL COUNCIL PRESIDENT. SUPPORTED BY ISABELLE H. WELSH. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Mike LaFernier, Sr., TCC, Request for 2005 Caterpillar 314CL Hydraulic Excavator -

MOTION MADE BY FRED DAKOTA TO FINANCE A 2005 CAT-314 EXCAVATOR IN THE AMOUNT OF \$89,900.00 FOR A PERIOD OF FIVE YEARS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, THREE ABSTAINING (Susan J. LaFernier, Jennifer Misegan, Michael F. LaFernier, Sr.), TWO ABSENT (Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 4:10 P.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist