

**MINUTES**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**TRIBAL CENTER CONFERENCE ROOM**  
**THURSDAY – MAY 8, 2008 – 9:00 A.M.**

- A. Date: May 8, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 11:55 a.m.)  
Susan J. LaFernier, Vice-President  
Toni J. Minton, Secretary  
William E. Emery, Assistant Secretary  
Jennifer Misegan, Treasurer  
Larry J. Denomie III, CEO (left 2:46 – 3:32 p.m.)  
Doreen G. Blaker (left 9:48 a.m. – 2:26 p.m.)  
Jerry Lee Curtis (left 2:00 – 3:42 p.m.)  
Michael F. LaFernier, Sr. (arrived at 9:56 a.m., left 11:55 a.m. – 2:35 p.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo  
Fred Dakota (arrived at 9:44 a.m., left 11:05 – 11:22 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 8, 2008
- Additions: Approval of Meeting Minutes- H. 2. October 20, 2005
- Old Business- 1. Warren Swartz – Home Territory Issues
- New Business- 6. b) Larry Denomie – DHHS Secretary Position
- Closed Session- 2. c) Susan LaFernier – Other

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING – 0, TWO ABSENT (Michael F. LaFerner, Sr., Fred Dakota), MOTION CARRIED.**

G. For Your Information:

1. An Invitation to the Bay Mills Community College Graduation Ceremony on May 9, 2008

H. Approval of Meeting Minutes:

1. March 14, 2008

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MARCH 14, 2008 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING – 0, TWO ABSENT (Michael F. LaFerner, Sr., Fred Dakota), MOTION CARRIED.**

2. October 20, 2005

**MOTION MADE BY LARRY J. DENOMIE III TO TABLE THE OCTOBER 20, 2005 MEETING MINUTES UNTIL QUESTIONS ARE ANSWERED. SUPPORTED BY JENNIFER MISEGAN. FIVE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker), ONE OPPOSED (Elizabeth D. Mayo), THREE ABSTAINING (William E. Emery, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), TWO ABSENT (Michael F. LaFerner, Sr., Fred Dakota), MOTION CARRIED.**

I. Old Business:

1. Warren C. Swartz, Jr., President – Home Territory Issues

President Swartz issued a Red Alert as he received a call from Ann Soltis, GLIFWC, that Mole Lake intends to spear fish at KBIC and take the entire fish quota. President Swartz issued permits to KBIC fishermen last night to fish Lake Independence and Lake Michigamme and take all the fish. Mole Lake is also intending to fish at LVD, they intend to take 1800 fish out of Lake Gogebic and LVD has already tacked that lake out. President Swartz will be leaving today’s meeting early to meet with LVD Chairman Jim Williams.

**Fred Dakota arrived at 9:44 a.m.**

**Doreen Blaker left at 9:48 a.m.**

J. New Business:

1. Tami Lorbecke/Christoph Geiger – Services Agreement with DNA Company for Genetic Testing

Tami presented a Services Agreement with a DNA company to provide paternity testing services to KBIC's Office of Child Support Services per the ordinance.

**Mike LaFerner arrived at 9:56 a.m.**

**MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE SERVICES AGREEMENT WITH ORCHID CELLMARK, INC. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFerner, Sr.), ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

2. Warren C. Swartz, Jr., President – Medical Bill Request

**MOTION MADE BY LARRY J. DENOMIE III TO TABLE THE REQUEST UNTIL THE PERSON GOES THROUGH THE PROPER PROCEDURE AT THE HEALTH CENTER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

3. Jason Ayres, Realty – a) Resolution KB-1608-2008 – Jerry Swartz Acquisition for (2) Parcels at \$130,000.00

**MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1608-2008, JERRY SWARTZ ACQUISITION. SUPPORTED BY LARRY J. DENOMIE III. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Fred Dakota), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Jerry Lee Curtis, Elizabeth D. Mayo), ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

- b) Resolution KB-1609-2008 – Joyce Field Modification of Lease

This will cancel her recreational lease and grant her a residential lease on the same property.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1609-2008, JOYCE FIELD MODIFICATION LEASE. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

c) Resolution KB-1610-2008 – Gerald Kirkish Recreational Lease

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-1610-2008, JOE KIRKISH RECREATIONAL LEASE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

4. Todd Warner, NRD – a) Spring Cleanup – Baraga Village would like to restrict the cleanup to Village residents this year. Todd is looking into three options and will bring them back to the Council.

b) Parent Lake – Todd gave an update on Parent Lake. He stated that many fish died possibly because of winter kill. Prolonged ice and snow cover depletes oxygen and it is a shallow lake. GLIFWC Inland Fisheries crews will likely survey the lake later in the year.

c) HACCP Training 2008 – the course will be held December 9-11<sup>th</sup> at Bay Mills Community College in Brimley, MI. The registration fee is \$90.00.

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE PAYMENT OF HACCP TRAINING IN BRIMLEY AND TO PAY FOR TRAVEL COSTS FOR TRIBAL MEMBERS THAT WANT TO ATTEND. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

d) Letter of No Objection to Don Elmlad – Water Ski Buoys – A group would like to set up six small buoys for a water ski course on First Sands. The NRD will help set them up so they do not interfere with fishermen nets.

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE A LETTER OF NO OBJECTION AND AUTHORIZE THE PRESIDENT TO SIGN REGARDING THE SKI BUOYS/WATER SKI COURSE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

**Break: 10:50 – 11:05 a.m.**

5. Conrad LaPlante, Surveillance/John Mantila, Baraga Casino Manager – New Digital Surveillance Equipment for Baraga and Marquette - (4) Bids

The present system will change from VCR's to DVR's. John Mantila and David Haataja recommended Midstate Security.

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE BID OF MIDSTATE SECURITY FOR \$133,943.00 AND TO KEEP SURVEILLANCE RECORDS FOR MORE THAN A WEEK. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Doreen G. Blaker, Fred Dakota), MOTION CARRIED.**

**Jennifer Misegan returned from break at 11:16 a.m.**

6. Larry Denomie, CEO/John Mantila – a) Bids for Motel Lobby, Hallway and Conference Room Walls

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BID OF ALL PURPOSE DRY WALL IN THE AMOUNT OF \$13,790.00, THE LOWEST BIDDER. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINED (Michael F. LaFernier, Sr.), TWO ABSENT (Doreen Blaker, Fred Dakota), MOTION CARRIED.**

**Fred Dakota returned from break at 11:22 a.m.**

b) DHHS Secretary Position – The Hiring Committee approved the job description as part-time temporary for 6 months. Larry recommended this be a full-time temporary position then regular full-time after a Health Director is hired. The Council will come back to this later in the day.

K. Closed Session:

1. Gregg Nominelli, Economic Developer – Contracts/Negotiations
2. Susan LaFernier, Vice-President – a) Committee/Boards Review  
b) C. Brumleve Contract  
c) Other
3. Larry Denomie, CEO
4. **2:30 p.m.** Building Inspector Interviews (3)
5. John Baker, Attorney

**MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 11:40 A.M. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

**Lunch: 11:55 a.m. – 1:16 p.m.**

**President Swartz left at 11:55 a.m.**

**Vice-President LaFernier chaired the meeting**

**Doreen Blaker returned at 2:26 p.m.**

**Mike LaFernier left 11:55 a.m. – 2:35 p.m.**

**Jerry Lee Curtis left 2:00 – 3:42 p.m.**

**Larry Denomie left 2:46 – 3:32 p.m.**

**Break: 3:46 – 3:55 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:07 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGREEMENT WITH GUNDLACH CHAMPION FOR THE ICDBG GRANT APPLICATION FOR AN EARLY CHILDHOOD EDUCATION CENTER. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Elizabeth “Chiz” Matthews, Fred Dakota), ONE OPPOSED (Elizabeth D. Mayo), THREE ABSTAINING (Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

**MOTION MADE BY LARRY J. DENOMIE III TO PROMOTE BECKY TUSSING TO INTERIM HEALTH DIRECTOR AND TO MOVE FORWARD WITH THE INTERIM PLAN RECOMMENDATIONS ON STAFF POSITIONS AND WAGE ADJUSTMENTS. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Jennifer Misegan), TWO ABSTAINING (Doreen G. Blaker, Michael F. LaFernier, Sr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

**MOTION MADE BY TONI J. MINTON TO APPROVE THE JOB DESCRIPTION FOR A FULL-TIME TEMPORARY HEALTH DEPARTMENT SECRETARY FOR SIX MONTHS AND TO POST IT IF NEEDED. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO HIRE DOMINIC PICCIANO AS THE BUILDING INSPECTOR. SUPPORTED BY WILLIAM E. EMERY. FOUR IN FAVOR (William E. Emery, Jennifer Misegan, Doreen G. Blaker, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), TWO ABSTAINING (Larry J. Denomie III, Jerry Lee Curtis), ONE ABSENT (Warren C. Swartz, Jr.), TIE VOTE. VICE-PRESIDENT LAFERNIER VOTED – OPPOSED, MOTION DEFEATED.**

Mike LaFernier stated his opposition: Dominic does not have a license and Mike would like to see him work with the inspector to learn the ins and outs.

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO HIRE JOE BREAZEAU AS THE BUILDING INSPECTOR FOR A ONE-YEAR TERM. SUPPORTED BY TONI J. MINTON. FOUR IN FAVOR (Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), FOUR OPPOSED (William E. Emery, Jennifer Misegan, Doreen G. Blaker, Elizabeth “Chiz” Matthews), TWO ABSTAINING (Larry J. Denomie III, Jerry Lee Curtis), ONE ABSENT (Warren C. Swartz, Jr.), TIE VOTE. VICE-PRESIDENT LAFERNIER VOTED – IN FAVOR, MOTION CARRIED.**

[The Council will reconvene tomorrow to finish remaining items listed under Closed Session]

L. Adjournment:

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ADJOURN AT 4:24 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Recording Secretary