

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – MAY 27, 2010 – 9:00 A.M.**

A. Date: May 27, 2010

B. Call to Order: President Swartz called the meeting to order at 9:09 a.m.

C. Invocation: Lord’s Prayer

D. Roll Call: Present: Warren C. Swartz, Jr., President  
William E. Emery, Vice President  
Susan J. LaFernier, Secretary  
Elizabeth “Chiz” Matthews, Assistant Secretary  
Jerry Lee Curtis  
Fred Dakota  
Michael F. LaFernier, Sr. (arrived at 10:12 a.m.)  
Elizabeth D. Mayo  
Toni J. Minton (left at 4:46 p.m.)  
Isabelle Helene Welsh (arrived at 10:04 a.m.)

Absent: Eddy Edwards, Treasurer  
Gary F. Loonsfoot, Sr.

E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

F. Approval of Agenda: May 27, 2010

Additions:	FYI-	4. Eagle Project
	Old Business-	1. President Swartz – a) Donations Policy b) Letter of Credit c) Donation Requests d) Baraga 2% e) Meeting Schedule

**MOTION MADE BY TONI J. MINTON TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.**

G. For Your Information:

1. VOIGT Task Force Meeting Minutes 2/4/10, 3/4/10, 4/1/10
2. 8<sup>th</sup> Annual Kid’s Fishing Derby Name Selection by the Ojibwa Seniors – Ed Holzman. The Tribal Council will also submit a name.
3. Tribal Council Invitation from Green-Sand Corporation for a tour of the Gay stamp sand deposit.
4. Eagle Project – President Swartz announced that he had spoken with Jon Cherry this morning and they are starting to remove the protestors off of Eagle Rock for safety purposes.

H. Approval of Meeting Minutes:

1. January 28, 2010

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE JANUARY 28, 2010 MEETING MINUTES. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ONE ABSTAINING (Fred Dakota), FOUR ABSENT (Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.**

2. February 4, 2010

**MOTION MADE BY TONI J. MINTON TO APPROVE THE FEBRUARY 4, 2010 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. FIVE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, TWO ABSTAINING (Jerry Lee Curtis, Fred Dakota), FOUR ABSENT (Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.**

I. Closed Session:

1. Susie Lawrence, Background Investigator/License Coordinator – Action #034-10 – New Employee Gaming License Requests
2. Dale Shalifoe, Executive Director Gaming Commission/Michael Duschene/Jennifer Misegan –
  - a) Action #035-10 Issue Involving Employee Gaming License KB-265-09
  - b) Action #036-10 Issue Involving Employee Gaming License KB-243-09
  - c) Action #037-10 Issue Involving Employee Gaming License KB-198-09
  - d) Violation Report Follow-up Underage Gaming at Marquette Casino
3. Dorsey & Whitney, LLP Legal Presentation
4. Lynn Haataja, Interim Baraga Casino General Manager –
  - a) Slot Machine Proposal

- b) Entertainment Contracts
- 5. John Baker, Attorney
- 6. Larry Denomie III, CEO – Department/Personnel Issue

**MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 9:34 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FIVE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Toni J. Minton), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.**

**Isabelle Welsh arrived at 10:04 a.m.**

**Mike LaFernier, Sr. arrived at 10:12 a.m.**

**Break: 10:26 – 10:41 a.m.**

**Lunch: 12:34 – 1:50 p.m.**

**Mike LaFernier, Sr. returned from lunch at 2:20 p.m.**

**MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 2:55 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

**Break: 2:56 – 3:05 p.m.**

**J. Old Business:**

- 1. President Swartz –
  - a) Donations Policy/Discussion – Susan LaFernier stated that there may be IRS issues to consider. Any donations given could be regarded as income and more work needs to be done on the policy. [Reschedule in two weeks]

**SADD Donation Request –**

**MOTION MADE BY ELIZABETH D. MAYO TO DONATE GIFT CARDS FOR THE SADD ORGANIZATION FOR THE ALCOHOL-FREE GRADUATION PARTIES FOR THE SAME AMOUNT AS LAST YEAR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

- b) Letter of Credit – May 20<sup>th</sup> motion for the Ojibwa Housing Authority/Ojibwa Builders – John Baker/Bruce LaPointe present

Mr. Baker stated that according to HUD, payment for bonds are required or an alternative of payment bond/performance bond or a 25% Letter of Credit. His concern is that we are mandated by Federal Regulations to have this.

Elizabeth Mayo is concerned why it was requested. Chris stated that he spoke with Eddy and it was to alleviate cash flow problems with OHA. Mike stated that he questions the bidding process with Ojibwa Builders and if they are following federal regulations.

**MOTION MADE BY WILLIAM E. EMERY TO RECONSIDER THE MOTION RELEASING THE OHA LINE OF CREDIT BY 50%. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Fred Dakota, Michael F. LaFernier, Sr.), TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

MOTION MADE BY ELIZABETH D. MAYO TO KEEP THE \$312,130.25 LETTER OF CREDIT AS IS.

Motion died for lack of support.

No further action will be taken until Eddy Edwards returns.

- c) Donation Requests – Colleen DeRoche for Medical Travel to Green Bay on May 31<sup>st</sup> and Dawn Kemppainen for a stove

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A DONATION REQUEST FOR COLLEEN DEROCHE ACCORDING TO THE TRAVEL POLICY OF THE KEWEENAW BAY INDIAN COMMUNITY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Susan LaFernier stated her opposition: She does not agree with giving funds according to the travel policy.

**MOTION MADE BY TONI J. MINTON TO APPROVE DAWN KEMPPAINEN’S REQUEST FOR A STOVE UP TO \$500.00, PENDING THE OHA EMERGENCY FUNDING PROGRAM. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Woodland Singers Drum Group Request to attend Powwow -

**MOTION MADE BY FRED DAKOTA TO DENY THE REQUEST FOR THE WOODLAND SINGERS TO ATTEND THE POWWOW IN THIEF RIVER FALLS, MINNESOTA. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Elizabeth “Chiz” Matthews, Jerry Lee Curtis), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

- d) Baraga 2% Resolution KB-1756-2010 May 20<sup>th</sup> motion. \$15,000.00 was not deducted from the total that was paid previously and the resolution did not include the Village of L’Anse

**MOTION MADE BY ISABELLE H. WELSH TO RECONSIDER THE MOTION ON RESOLUTION KB-1756-2010 MADE ON MAY 20, 2010 REGARDING THE BARAGA 2%. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Baraga 2% Resolution Replacement –

**MOTION MADE BY ISABELLE H. WELSH TO APPROVE RESOLUTION KB-1760-2010 BARAGA 2%. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

- e) Meeting Schedule

**MOTION MADE BY ELIZABETH D. MAYO TO MOVE THE JUNE 5<sup>TH</sup> REGULAR MEETING TO JUNE 12<sup>TH</sup>. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), TWO OPPOSED (Elizabeth “Chiz” Matthews, Toni J. Minton), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

2. Larry Denomie III, CEO – Merit Compensation Policy [Rescheduled to June 3, 2010]
3. Bruce LaPointe, Project Manager – Request for Removal of Barn and two Outbuildings behind the Even Start House

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE \$2,500.00 FOR THE ASBESTOS ABATEMENT AND LEAD TESTING. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

4. Susan LaFernier, Secretary – Additional Request for Assinins Cemetery Hand Pump – Larson Pump Company LLC Estimate of \$2,416.26

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$2,416.26 FOR THE HAND PUMP AT THE ASSININS CEMETERY. SUPPORTED BY JERRY LEE CURTIS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

K. New Business:

1. Larry Denomie III, CEO – Resolution KB-1755-2010 Replacement for KB-1751-2010 KBIC Wildland Fire Fighters, emergency or volunteer firefighter/EMT

**Toni Minton left at 4:46 p.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1755-2010. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

2. John Baker, Attorney –

- a) Fireworks Permit License Application Renewal (3 months) - James Welsh

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE FIREWORKS PERMIT FOR JAMES WELSH. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

- b) Fireworks Permit License Application (3 months) – John E. Varline, Jr.

**MOTION MADE BY FRED DAKOTA TO APPROVE THE FIREWORKS PERMIT FOR JOHN VARLINE, JR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

3. Debbie Parrish, OCC – Housing for International Students [Postponed]

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE ACTION #034-2010 FOR (7) NEW EMPLOYEE GAMING LICENSES. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), FOUR ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), MOTION CARRIED.**

(Isabelle Welsh out of the room)

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE ACTION #035-2010 THROUGH #037-2010 TO REVOKE THE THREE EMPLOYEE GAMING LICENSES FOR CAUSE. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Michael F. LaFernier, Sr., Isabelle H. Welsh), THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

“Men of Playgirl Revue” -

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE GOLD PRODUCTIONS, INC. ENGAGEMENT AGREEMENT FOR LAS VEGAS STYLE MALE REVUE SHOW ON NOVEMBER 16, 2010. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFernier), TWO ABSTAINING (William E. Emery, Michael F. LaFernier, Sr.), THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE WIRTH ENTERTAINMENT AGENCY, LLC ENGAGEMENT AGREEMENT FOR THE HOLLYWOOD KNOCKOUTS OIL WRESTLING ON NOVEMBER 22, 2010. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, FOUR ABSENT (Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

(Mike LaFernier, Sr. out of the room)

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE 15 NEW SLOT MACHINES AT A COST OF \$259,610.00 PER THE INTERIM GENERAL MANAGER’S REQUEST. THE COST OF PURCHASE PER MACHINE IS \$18,990 WITH A LICENSE FEE OF \$1100 PER MACHINE. THE VENDOR WILL ALSO ACCEPT THE 15 OLD MACHINES AS A TRADE-IN FOR \$2200 PER MACHINE. THE PROPOSAL CONTAINS SEVEN CONVERSIONS WORTH \$22,085 FROM THE VENDOR SHOULD THE MACHINE THEMES NOT WORK FOR US. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

4. Carole LaPointe, Health Director – Request for 4-Day Work Week During Construction – 7:00 a.m. to 5:30 p.m. June 1 – September 7, 2010 for safety concerns

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE REQUEST FROM CAROLE LAPOINTE FOR A FOUR-DAY WORK WEEK DURING THE CONSTRUCTION. SUPPORTED BY ISABELLE H. WELSH. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, FOUR ABSENT (Elizabeth “Chiz” Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

(Chiz Matthews out of the room)

Mike LaFernier, Sr. stated his opposition: He is opposed because it is not fair that in his bid he took into consideration the deadline date and the days of operation of the clinic.

5. Jessica Koski – John Baker/Chuck Brumleve present
  - a) Report on Rio Tinto Annual General Meeting in London
  - b) She requested a Resolution supporting the stand at Eagle Rock, possibly for next Thursday’s meeting
  - c) Native American Rights Fund (N.A.R.F.) Formal Request from the Tribe for consultation or advice. John Baker stated he will call N.A.R.F. He also stated that they deal with federal law issues.
  - d) Request for Environmental Justice Petition to U.S. Environmental Protection Agency

L. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 6:10 P.M. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist