

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MARCH 8, 2007 – 9:00 A.M.

- A. Date: March 8, 2007
- B. Call to Order: President LaFernier called the meeting to order at 9:18 a.m.
- C. Invocation: Lord's Prayer
Opening Prayer in Ojibwa
Prayers for Chris Swartz's son, he is in the Portage hospital and Mary Schofield who is ill in Marquette General.
- D. Roll Call: Present: Susan J. LaFernier, President
Warren C. Swartz, Jr., Vice-President (left at 12:05 p.m.)
Toni J. Minton, Secretary
Gary F. Loonsfoot, Sr., Assistant Secretary (left at 2:44 p.m.)
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO
Doreen G. Blaker (arrived at 1:45 p.m.)
Jerry Lee Curtis
William E. Emery
Michael F. LaFernier, Sr. (arrived at 10:06 a.m.)
Elizabeth "Chiz" Matthews
Elizabeth D. Mayo
- E. Declaration of Quorum: President LaFernier declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 8, 2007
- Additions: FYI-
2. Susan LaFernier – Legislation was introduced in the House to reauthorize the Indian Health Care Improvement Act on March 6, 2007
3. Civil Rights Commission Releases Plan
4. Information on Flambeau Mine

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE ADDITONS. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.

G. For Your Information:

1. Legislation was introduced in the House to reauthorize the Indian Health Care Improvement Act on March 6, 2007.
2. Civil Rights Commission Releases Plan – report/recommendations regarding tuition waiver/Proposal 2.
3. Information on Flambeau Mine, follow up to Chris Swartz’s report. The Division of Hearings and Appeals will hold a prehearing conference on April 17th in Ladysmith, Wisconsin regarding an application of the Flambeau Mining Co. for issuance of a Certificate of Completion of Reclamation.
4. A copy of the Gaming Commission Meeting Minutes for February 20th & 27th, 2007.

H. Old Business:

1. Jason Ayres – Westman Camp. Council reviewed the ad for the paper for bids on this property.

Chris Swartz – change “should” to “must” on third paragraph.

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE ADVERTISEMENT FOR THE CAMP LOCATED ON PIKES PEAK ROAD WITH THE CHANGE. SUPPORTED BY WARREN C. SWARTZ, JR. EIGHT IN FAVOR (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.

I. New Business:

1. Jason Ayres – a) Resolution KB 1532-2007, Tribal Long-Range Transportation Plan

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1532-2007. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.

b) Resolution KB 1531-2007, Koskinen Acquisition in Baraga for 40 acres. A deposit of \$12,500.00 will be made now with the balance to be paid by October 31, 2007.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1531-2007. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Warren C. Swartz, Jr., Elizabeth D. Mayo), TWO ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.

c) Resolution KB 1533-2007, I.R.R. Inventory Update. 290 miles were added to the inventory and all are in Baraga County.

MOTION MADE BY WARREN C. SWARTZ, JR. TO APPROVE RESOLUTION KB-1533-2007, I.R.R. INVENTORY UPDATE. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.

Susan LaFernier asked Jason for information regarding the sale of Donald Chosa’s house. Jason said he referred them to Housing and it was his understanding that when the Council discussed this over a year ago it was decided not to buy homes on leased land.

MOTION MADE BY JENNIFER MISEGAN TO REFER PURCHASES OF ALL HOMES TO THE OJIBWA HOUSING AUTHORITY. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ONE ABSTAINING (Warren C. Swartz, Jr.), TWO ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.

Mike LaFernier arrived at 10:06 a.m.

2. Todd Warner –
 - a) Spring Sparring Coordination Meeting is scheduled for 1:00 p.m., March 22nd, at Lac Vieux Desert. Chris Swartz will attend the meeting.
 - b) Snowmobile Purchase; Bid Review, Selection and Approval (3 bids) for the Water Program.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE PURCHASE OF A 2007 SNOWMOBILE, TUNDRA 300F WITH ELECTRIC START FOR \$4770.00 FROM KEWEENAW MOTOR SPORTS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Larry J. Denomie III), ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

c) ATV Purchase; Bid Review, Selection and Approval (3 Bids). There was a motion made for this purchase on December 15, 2006, but the bid information was incorrect.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE PURCHASE OF A 4-WHEELER FOR BROWNFIELD RESPONSE PROGRAM, 2007 YAMAHA RHINO 660 WITH A 3000 LB. WINCH FOR \$10,315.00 FROM PAT'S AUTO & SPORTS CENTER IN GREENLAND, MICHIGAN. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO RESCIND THE MOTION FROM DECEMBER 15, 2006 BECAUSE THE BID WAS INCORRECT. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. NINE IN FAVOR (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

d) Cooperative Project with Ottawa National Forest/Ceded Territory Wild Rice Planting.

Jennifer Misegan stated that since this area is not in our home territory and KB cannot go there to gather, why plant the rice. Chris Swartz will discuss an M.O.U. with LVD on the claiming of lakes and planting wild rice.

3. Mike LaPointe – NRCS Issues. Mike introduced himself to the Council, he is the Area Conservationist from Marquette and he discussed federal dollars that have been set-aside for KBIC for wild ricing in the amount of \$15,000 and wanted to ask the Council if they had any questions with the program's involvement. He would like to maintain a good-working relationship with the Council. Chris Swartz thanked him for the help he has given KBIC. They also did work on the Sand Point designs and Walleye Rearing Ponds

Break: 10:32 – 10:50 a.m.

Gary Loonsfoot out of room 10:32 – 10:56 a.m.

Larry Denomie out of room 10:32 – 11:10 a.m.

4. John Mantila/Betty Knapp/Arca Fassbender – Proposed Slot Purchase from IGT Games to replace obsolete games. John introduced Arca as the new interim Slots Manager in Marquette and Betty as the new interim Slots Manager in Baraga.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:55 A.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Warren C. Swartz, Jr., Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Gary F. Loonsfoot, Sr., Larry J. Denomie III, Doreen G. Blaker), MOTION CARRIED.

J. Closed Session:

1. Summer Cohen – Eagle Rock Site Registration
2. Termination Appeal Hearing # 001-07 - 1:00 p.m.
3. John Baker – Cigarette Tax Case 2:30 – 3:30 p.m. with Attorney Scott Moore and the Cigarette Business License Holders and conference call with Skip Durocher/Mary Streitz.
4. Susan LaFerner
5. Larry Denomie - Cell phone policy – handouts given to review.

Lunch: 12:05 – 1:18 p.m.

Chris Swartz left the meeting at 12:05 p.m.

Doreen Blaker arrived at the meeting at 1:45 p.m.

Break: 2:10 – 2:20 p.m.

Gary Loonsfoot left the meeting at 2:44 p.m.

Break: 3:04 – 3:25 p.m.

Break: 4:25 – 4:35 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 5:40 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

MOTION MADE BY WILLIAM E. EMERY TO RECONSIDER THE CIGARETTE TAX CASE MOTION THAT WAS MADE AT SATURDAY’S MEETING, MARCH 3, 2007.

THERE WAS NO SUPPORT.

Jennifer Misegan stated that Gene cannot make this motion, as he was absent during this motion at Saturday’s meeting.

MOTION MADE BY LARRY J. DENOMIE III TO RECONSIDER THE MOTION TO FILE FOR A RE-HEARING ON THE 6TH CIRCUIT COURT CIGARETTE TAX CASE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

MOTION MADE BY LARRY J. DENOMIE III TO FILE FOR A RE-HEARING WITH THE 6TH CIRCUIT COURT OF APPEALS AT EN BANC AND THAT WE ACCEPT THE GENEROUS \$10,000 CONTRIBUTION FROM JOE WAARA ON BEHALF OF THE BUSINESSES HOLDING TOBACCO LICENSES. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Termination Appeal Hearing- [Toni Minton Chaired the Hearing]

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO UPHOLD THE CEO DECISION IN THE TERMINATION OF APPEAL HEARING #001-07. SUPPORTED BY ELIZABETH D. MAYO. SIX IN FAVOR (Jennifer Misegan, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Doreen G. Blaker), ONE ABSTAINING (Larry J. Denomie III), TWO ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED. TONI MINTON DID NOT CAST A VOTE.

Doreen Blaker stated her opposition: Evidence from the 2/07/07 meeting.

Laptop Computers for Council-

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE QUOTES FOR DELL LAPTOPS AT \$1,454.98 FOR TRIBAL COUNCIL MEMBERS. SUPPORTED BY JERRY LEE CURTIS. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 5:58 P.M. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary