

KEWEENAW BAY INDIAN COMMUNITY

2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
ELIZABETH D. MAYO, Vice-President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

ROBERT R.D. CURTIS, JR.
FRED DAKOTA
JEAN JOKINEN
MICHAEL F. LAFERNIER, SR.
CAROLE L. LAPOINTE
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.

Dec 17, 1936

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 17, 2013 – 9:00 A.M.**

APPROVED

10-30-14

- A. Date: January 17, 2013
- B. Call to Order: Vice President Mayo called the meeting to order at 9:11 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 1:07 p.m.)
Jennifer Misegan, Treasurer
Fred Dakota
Jean Jokinen (left 3:39 p.m.)
Michael F. LaFernier, Sr.
Carole L. LaPointe
Elizabeth "Chiz" Matthews (left 10:02 – 10:58 a.m.; left 3:39 p.m.)
Don Messer, Jr.
Absent: Warren C. Swartz, Jr., President
Robert R.D. Curtis, Jr.
- E. Declaration of Quorum: Vice President Mayo declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 17, 2013
- | | | |
|-----------|---------------|---|
| Deletion: | Old Business- | 1. Jason Ayres, Realty Officer – Road Naming (2) |
| Addition: | Old Business- | 3. Vice President Mayo – 2012 Powwow Report - Chris Chosa |
| | FYI- | 1. Carole LaPointe – I.H.S. Dental Letter of Appreciation |

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

G. For Your Information:

1. I.H.S. Dental Letter (Feb. 14, 2012) of Appreciation for the 2010 Oral Health study and screening (children) from Capt. Tim Lozon, D.D.S. Acting Director of Oral Health

H. Old Business:

1. Jerry Jondreau – Permanent Community Sugar Bush Request on Fee Land for an annual event

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE PROPOSAL FOR A COMMUNITY SUGAR BUSH ON THE LAUGHS LAKE AREA. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Cbiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

2. Evelyn Ravindran, Parks and Recreation Committee Chair/Parks and Recreation Committee - Amendments to By-Laws

Evelyn discussed the proposed amendments regarding changing the Maintenance Department to the Department of Public Works, all three year terms, and meeting dates changing to twice per month. She will bring the amended articles/sections back to the Council.

3. Vice President Mayo – Powwow Committee Vacancies/2012 Powwow Report - Chris Chosa, THPO Director. Tabled until the afternoon to discuss with a potential new THPO Director.

I. New Business:

1. Lori Sherman, Natural Resources Director –
 - a) Lake Trout Fishing Management of Western Michigan Waters of Lake Superior MI-2 (see Bad River’s Resolution)
 - b) Lake Identifications with Walleye/Priority List for Mercury and Toxic Contaminant Work with GLIFWC who want to add 7 additional lakes

Jennifer Misegan stated GLIFWC has to provide a map of our Home Territory as requested and worked on last year before further consideration.

Jennifer Misegan stated in 1992 we gave permission for one season as agreed and they have been here ever since. Jennifer will work with Lori Sherman and the Legal Department on the issue.

- c) Renewal of the Tribal Environmental Agreement with EPA Region 5 2013-2015 regarding implementation of federal authority/Char Spruce, NRD Environmental Specialist (Renewal Document)

The Council will review the agreement for approval next week.

The Kids Fishing Derby will be held on June 29th and the Environmental Fair on April 24th. Lori will provide the list of names that were given by the Council in previous years.

2. Pam Nankervis, NRD Wildlife Biologist –

- a) Baraga County Road Commission Project Agreement for Denomie Creek on the Golf Course Road Culvert Replacement
- b) Baraga County Road Commission First Amendment to Project Agreement for Falls River Culvert/Bridge

MOTION MADE BY FRED DAKOTA TO APPROVE THE BARAGA COUNTY ROAD COMMISSION PROJECT AGREEMENT FOR THE CULVERT REPLACEMENT ON DENOMIE CREEK. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BARAGA COUNTY ROAD COMMISSION FIRST AMENDMENT TO PROJECT AGREEMENT FOR THE REPLACEMENT OF THE BRIDGE CROSSING THE FALLS RIVER ON GOLF COURSE ROAD. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

3. Vice President Mayo – Resolution KB-1918-2013 National Indian Gaming Association (NIGA) Membership Renewal Invoice \$7,500.00

MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1918-2013 NIGA MEMBERSHIP RENEWAL. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Break: 9:59 – 10:15 a.m.

Elizabeth Matthews left at 10:02 a.m.

4. Heather Chapman, Assistant Tribal Attorney/Lindy Grell, Tribal Attorney – Tribal Code Recodification Project Update

The goal of the project is for the Community to have access to their own laws. Titles 4-5-6 are ready to be published on the website with the Constitution By-Laws and Treaties.

Tribal Code Title One General Provisions will be introduced through the Legislative Process.

5. Jennifer Misegan, Treasurer –

- a) 1st Reading Proposed Ordinance 2013-09 Title 3: 3.611 – Criminal Penalties for Misuse of the Law Enforcement Information Network (LEIN) or National Crime Information Network to Center (NCIC)

Vice President Mayo read the Legislative Process.

MOTION MADE BY JENNIFER MISEGAN TO WAIVE THE 1ST READING OF PROPOSED ORDINANCE 2013-09 TITLE 3 CRIMINAL PENALITES FOR MISUSE OF THE LAW ENFORCEMENT INFORMATION NETWORK (LEIN) OR NATIONAL CRIME INFORMATION NETWORK TO CENTER (NCIC) AND SCHEDULE THE 2ND READING FOR NEXT WEEK. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

- b) Establish Motor Vehicle Fees – The cost for a Title Fee is \$15/Duplicate Title Fee \$15/Replacement Plate \$5 per the Motor Vehicle Ordinance

MOTION MADE BY FRED DAKOTA TO APPROVE THE MOTOR VEHICLE FEES. SUPPORTED BY DON MESSER, JR. FIVE IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Carole L. LaPointe, Don Messer, Jr.), TWO OPPOSED (Jean Jokinen, Michael F. LaFernier, Sr.), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

6. Larry Denomie III, CEO – Weekly Update

J. Closed Session:

- 1. Jason Ayres, Realty Officer/Christoph Geiger, Deputy Attorney - MTU Capstone Agreement
- 2. Heather Chapman, Assistant Tribal Attorney – Sales and Use Tax Update
- 3. Cultural Resources Director Interviews (5)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:57 A.M. SUPPORTED BY JENNIFER MISEGAN. FIVE IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Elizabeth “Chiz” Matthews), MOTION CARRIED.

(Fred Dakota is out of the room)

Elizabeth Matthews returned at 10:58 a.m.

Break: 10:58 a.m. – 11:04 a.m.

Lunch: 11:13 a.m. – 1:07 p.m.

Toni Minton arrived at 1:07 p.m.

Break: 3:02 – 3:11 p.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 3:34 P.M. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

Director of Cultural Resources – Ballot Vote: L. Loonsfoot (5); G. Loonsfoot, Jr. (2); C. Loonsfoot (2); J. Goyen (1)

MOTION MADE BY TONI J. MINTON TO OFFER THE POSITION OF CULTURAL RESOURCES DIRECTOR TO LIANA LOONSFOOT AT \$24.00 AN HOUR. SUPPORTED BY CAROLE L. LAPOINTE. SIX IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Carole L. LaPointe, Don Messer, Jr.), THREE OPPOSED (Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

Jean Jokinen and Elizabeth Matthews left at 3:39 p.m.

K. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 3:40 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr., Jean Jokinen, Elizabeth “Chiz” Matthews), MOTION CARRIED.

Respectfully submitted,



Peggy Minton
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 17, 2013 – 9:00 A.M.

A. Date: January 17, 2013

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Elizabeth D. Mayo, Vice President
- ___ Susan J. LaFerner, Secretary
- ___ Toni J. Minton, Assistant Secretary
- ___ Jennifer Misegan, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Jean Jokinen
- ___ Michael F. LaFerner, Sr.
- ___ Carole L. LaPointe
- ___ Elizabeth "Chiz" Matthews
- ___ Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: January 17, 2013

G. For Your Information:

H. Old Business:

1. Jason Ayres, Realty Officer – Road Naming (2)
2. Jerry Jondreau – Community Sugar Bush Request on Fee Land
3. Evelyn Ravindran, Parks and Recreation Committee Chair/Parks and Recreation Committee - Amendments to By-Laws
4. Vice President Mayo – Powwow Committee Vacancies

I. New Business:

1. Lori Sherman, Natural Resources Director –
 - a) Lake Trout Fishing Management of Western Michigan Waters of Lake Superior
 - b) Lake Identifications/Priority List for Mercury and Toxic Contaminant Work with GLIFWC

- c) Tribal Environmental Agreement with EPA/Char Spruce, NRD Environmental Specialist
- 2. Pam Nankervis, NRD Wildlife Biologist –
 - a) Baraga County Road Commission Project Agreement for Denomie Creek Culvert Replacement
 - b) Baraga County Road Commission First Amendment to Project Agreement for Falls River Culvert/Bridge
- 3. Vice President Mayo – Resolution KB-1918-2013 NIGA Membership Renewal
- 4. Heather Chapman, Assistant Tribal Attorney – Tribal Code Recodification Project Update
- 5. Jennifer Misegan, Treasurer –
 - a) 1st Reading Proposed Ordinance 2013-09 Title 3 – Criminal Penalties for Misuse of the Law Enforcement Information Network (LEIN) or National Crime Information Network (NCIC)
 - b) Motor Vehicle Fees
- 6. Larry Denomie III, CEO – Weekly Update

J. Closed Session:

- 1. Jason Ayres, Realty Officer/Christoph Geiger, Deputy Attorney - MTU Capstone Agreement
- 2. Heather Chapman, Assistant Tribal Attorney – Sales and Use Tax Update
- 3. Cultural Resources Director Interviews (5) – **1:00 – 3:30 p.m.**

K. Adjournment: