

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MARCH 18, 2010 – 9:00 A.M.**

- A. Date: March 18, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:10 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 (left 11:17 a.m.)
Eddy Edwards, Treasurer (left 10:20 – 10:36 a.m.)
Jerry Lee Curtis
Fred Dakota
Michael F. LaFernier, Sr. (left 9:58 -)
Gary F. Loonsfoot, Sr. (left 9:58 – 11:30 a.m., left at 2:40 p.m.)
Elizabeth D. Mayo (arrived at 9:11 a.m., left at 3:16 p.m.)
Toni J. Minton
Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 18, 2010
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| Additions: | New Business- | 5. President Swartz – a) PACT Act Letter
b) Non-Disclosure Confidentiality Agreement with Custom Chassis, Inc., Paul DesRochers, Jr., Gregg Nominelli, and John Baker to present
c) Keweenaw Economic Development Alliance Update
d) Merit Increase |
| | Closed Session- | 1. John Baker, Attorney |

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

G. For Your Information:

1. Council Group Photo March 18th
2. U.S. Department of Health and Human Services 2010 Region V Tribal Consultation Session April 20, 2010 Minneapolis Airport Marriott
3. SNB KBIC Guaranteed Loan Program Account Summary March 1, 2010
4. Joint Meeting of U.P. Citizens Advisory Councils for the DNR Planned for March 18, 2010 in Marquette 6:00 p.m. NMU
5. 5th Annual Red Shawl Gala Invite and Fundraiser April 17, 2010. This will be added to the donation requests.

H. New Business:

1. Jason Ayres, Realty – Resolution KB-1737-2010 The American Recovery and Reinvestment Act (ARRA) Cooperative Agreement with Baraga County Road Commission for highway improvements on the Skanee Road Project

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1737-2010 ARRA COOPERATIVE AGREEMENT WITH THE BARAGA COUNTY ROAD COMMISSION. SUPPORTED BY GARY F. LOONSFOOT, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Pam Queoff – Annual Stewardship Report Presentation by M3 Insurance - Francis “Hosh” LaPointe, CFO, Present

Gary Loonsfoot, Sr. left at 9:58 a.m.

3. Todd Warner, NRD/Christoph Geiger, Attorney – Agency for Toxic Substance and Disease Registry (ATSDR) License Agreement for their use of information about the Sand Point cleanup work.

Eddy Edwards left at 10:20 a.m.

MOTION MADE BY FRED DAKOTA TO APPROVE THE ATSDR LICENSE AGREEMENT. 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.

4. Fred Dakota – Keweenaw Financial Corporation (KFC) - Fred would like to volunteer for this Board as the Tribe’s representative.

Susan LaFernier stated there are ten on the Board. Donald Fisher, Willis Fontaine, Douglas Hamar, Susan LaFernier, Robert Mikesch, Ronald Mikkola, Phil Ott, Almor Penegor, Donald Spear and Daniel Wisti. Susan stated that KBIC is a shareholder and it is the shareholders who vote the members onto the Board. She will obtain and review their by-laws.

Eddy Edwards returned at 10:36 a.m.

5. President Swartz –
 - a) Veto the PACT Act Legislation Letter – Council consensus was to approve sending the letter to President Obama and a copy to our legislators who voted for the bill.
 - b) Paul DesRochers, Jr./Gregg Nominelli/John Baker Present - Non-Disclosure Confidentiality Agreement

MOTION MADE BY EDDY EDWARDS TO APPROVE THE CONFIDENTIALITY AGREEMENT BETWEEN KBIC AND CUSTOM CHASSIS, INC. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) Keweenaw Economic Development Alliance Update – The \$300.00 sponsorship check was returned as they already had a sponsor for the April 7, 2010 meeting.
- d) Merit Increase – Carole LaPointe requested to submit (2) letters/names for merit increases from the Health Department. By Council consensus, Larry Denomie III, CEO, will develop a policy for merit increases for review within 60 days with Francis LaPointe and Jim Nardi.

I. Closed Session:

1. John Baker, Attorney
2. Gaming Commissioner Interview - Jennifer Westman
3. Gaming Commissioner Interview – Rose Edwards
4. Enterprise Employee Grievance Hearing Case #001-10
5. Gaming Commissioner Interview – Richard Morin
6. Gaming Commissioner Interview – David Rantanen
7. Gaming Commissioner Interview – Debra Williamson
8. Gaming Commissioner Interview – Jennifer Misegan

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:05 A.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 11:17 – 11:30 a.m.

Elizabeth Matthews left at 11:17 a.m.

Gary Loonsfoot, Sr. returned at 11:30 a.m.

Lunch: 11:50 a.m. – 1:25 p.m.

Break: 2:10 – 2:20 p.m.

Gary Loonsfoot, Sr. left at 2:40 p.m.

Break: 2:45 – 3:06 p.m.

Elizabeth Mayo left at 3:16 p.m.

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

Break: 4:01 – 4:05 p.m.

Gaming Commissioners –

(Tally Vote: David Rantanen – 8, Jennifer Misegan – 7, Rose Edwards – 1)

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE APPOINTMENT OF DAVID RANTANEN AND JENNIFER MISEGAN TO THE POSITION OF GAMING COMMISSIONER. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ONE ABSTAINING (Susan J. LaFernier), THREE ABSENT (Elizabeth “Chiz” Matthews, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Enterprise Employee Grievance Hearing Case #001-10 -

MOTION MADE BY TONI J. MINTON TO OVERTURN THE DECISION OF THE INTERIM GENERAL MANAGER IN ENTERPRISE EMPLOYEE GRIEVANCE HEARING #001-10 AND TO RETURN THE EMPLOYEE'S BACK PAY AND REMOVE THE SUSPENSION FROM THE EMPLOYEE'S RECORD. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth "Chiz" Matthews, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Section 1983 Claim Court Case –

MOTION MADE BY WILLIAM E. EMERY TO APPROVE AND AUTHORIZE THE PRESIDENT TO SIGN THE STIPULATION TO ENTRY OF CONSENT JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE IN KEWEENAW BAY INDIAN COMMUNITY V. ROBERT J. KLEINE, TREASURER OF THE STATE OF MICHIGAN, ET AL, UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN, CIVIL FILE NO. 2:05-CV-0224. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth "Chiz" Matthews, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:12 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth "Chiz" Matthews, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist