

**MINUTES**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**TRIBAL CENTER CONFERENCE ROOM**  
**THURSDAY – MAY 28, 2009 – 9:00 A.M.**

- A. Date: May 28, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:02 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 11:12 a.m. – 1:05 p.m.)  
Susan J. LaFerner, Vice-President  
Toni J. Minton, Secretary  
William E. Emery, Assistant Secretary  
Jennifer Misegan, Treasurer (left at 3:40 p.m.)  
Fred Dakota  
Michael F. LaFerner, Sr. (arrived at 1:40 p.m.)  
Gary F. Loonsfoot, Sr. (left at 2:40 p.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo (left at 2:31 p.m.)  
Isabelle Helene Welsh (arrived at 9:04 a.m.)  
Absent: Jerry Lee Curtis
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

**Isabelle Welsh arrived at 9:04 a.m.**

- F. Approval of Agenda: May 28, 2009

- |            |                 |  |
|------------|-----------------|--|
| Additions: | Closed Session- | 8. Jennifer Misegan<br>a) Donations<br>b) 8%<br>c) Budget Modification |
|            | Old Business-   | 5. Fred Dakota<br>a) Senior Citizens MIEA Request<br>b) Manitou Island |

- |       |                 |  |
|-------|-----------------|--|
| Move: | Closed Session- | 1. Gary Loonsfoot, Jr., Language Coordinator and Language Apprentices to Old Business 4. - 1:00 p.m. |
|       | New Business-   | 2. Lynn Haataja to Closed Session 9. Lynn Haataja/Larry Denomie Proposal                             |

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

G. For Your Information:

1. A copy of the Gaming Commission Meeting Minutes from 04/27/09

H. Approval of Meeting Minutes:

1. February 19, 2009

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE FEBRUARY 19, 2009 MEETING MINUTES WITH THE CHANGES. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

2. March 2, 2009

**MOTION MADE JENNIFER MISEGAN BY TO APPROVE THE MARCH 2, 2009 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, TWO ABSTAINING (Toni J. Minton, Fred Dakota), TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

3. March 3, 2009

**MOTION MADE ELIZABETH D. MAYO BY TO APPROVE THE MARCH 3, 2009 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Susan J. LaFernier, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, TWO ABSTAINING (Toni J. Minton, Fred Dakota), TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

I. Old Business:

1. Will Wiggins, BIA/Dale Goodreau/Tom Remus, Regional Fire Manager Minneapolis BIA, on conference call. – Update on Pinery Fire (Map/Pictures) - The land that burned was private, Tribal fee, Tribal trust, and L’Anse Village. It consumed 685 acres. The fire was set accidentally by someone burning brush. A BAER (Burn Area Emergency Repair) Team is meeting tomorrow. They will assess and give cost estimates.
2. Dawn Gauthier, Commodity Foods – Refrigerated Truck Bid Adjustments. She requested additional tribal support and USDA will pay the balance for a diesel model that was not available prior from Frei Chevrolet.

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE REQUEST OF \$435.25 TO PURCHASE A REFRIGERATED TRUCK FOR THE COMMODITY FOODS PROGRAM. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

3. Larry Denomie III, CEO –
  - a) Building Permit Fee Schedule – [Return to later in the meeting]
  - b) Update on Dorsey Conference Call re: Drug Free Work Place/Computer Use Policy

**MOTION MADE BY JENNIFER MISEGAN TO MOVE FORWARD WITH THE DRAFTING OF THE AMENDMENT OF THE DRUG FREE WORK PLACE/COMPUTER USE POLICY AS DISCUSSED. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews), THREE OPPOSED (Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), ABSTAINING – 0, TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

4. Gary Loonsfoot, Jr., Language Coordinator/Language Apprentices – Return to at 1:00 p.m.
5. Fred Dakota –
  - a) The prior Senior Citizens Treasurer stated the Council would pay the additional costs from the MIEA Conference. The Council donated \$3,500.00.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$2,635.98 TO THE OJIBWA SENIORS FOR THE ADDITIONAL EXPENSES FROM THE MIEA CONFERENCE. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

- b) Manitou Island – Fred would like to see the property given to the Tribe. He feels the Tribe should ask the BIA to transfer the land to KB and put it in trust.

Susan LaFernier contacted them to let them know we are interested in the property. The process to transfer federal land back to a Tribe is difficult. Susan will meet with Troy Ferone, Bureau of Land Management, along with Jason Ayres and Summer Cohen in June or July.

Jason Ayres will invite Gerald Parish, Sault BIA, to attend the meeting also.

J. New Business:

1. Debra Parrish, OCC President – Resolution KB-1685-2009 Requests the Michigan Congressional delegation to sponsor an amendment to specifically name KBOCC in the Equity in Land Grant Status Act of 1994 to enable OCC to participate in the nation’s land grant system for agriculture research and extension program funding.

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1685-2009 USDA. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

Council Consensus to give Jason Ayres approval to draft a space lease for Debra Parrish for the USDA Grant.

2. Jason Ayres, Realty –

- a) Resolution KB-1681-2009 Miller Acquisition – Purchase Agreement with Christopher L. Miller for the fractional interests in allotments of the estate of Ed “Hawk” Miller for \$5,000.00.

**MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1681-2009 MILLER ACQUISITION. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

- b) Resolution KB-1684-2009 Mark J. Misegan Residential Lease

**MOTION MADE BY TO ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1684-2009 MARK MISEGAN RESIDENTIAL LEASE. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED – 0, ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

**Break: 10:28 – 10:40 a.m.**

3. Jim Stingle, Grant Writer – Prioritization of projects for the FY2009 HUD ICDBG Application – Jim will return at a later date with cost estimates on the projects. Input was also requested from the Tribe’s Department Heads.
4. Larry Denomie III, CEO –
  - a) Joe Brazeau – Building Inspector Position/Building Permit Fees Schedule Proposal 1 & 2 building and includes electrical inspector fees.

The Motion from May 8, 2008 was for a one-year term.

**President Swartz left at 11:12 a.m.**

Susan LaFernier, Vice-President, chaired the meeting.

**MOTION MADE BY JENNIFER MISEGAN TO APPOINT JOE BRAZEAU, BUILDING INSPECTOR, FOR A ONE-YEAR TERM AND TO COMPENSATE HIM ACCORDING TO PROPOSAL ONE FOR RESIDENTIAL BUT TO CONTINUE THE CURRENT FEES FOR THE TRIBAL MEMBERS, TO CONTINUE WORKING ON THE COMMERCIAL COMPENSATION AND FEES AND TO INCLUDE THE ELECTRICAL FEES AS WELL. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING – 0, THREE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

- b) Government Personnel Policy Amendment to Sick Leave Immediate Family

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE ADDITION OF GRANDCHILDREN TO THE CURRENT SICK LEAVE POLICY DEFINITION OF THE IMMEDIATE FAMILY FOR BOTH GOVERNMENT AND ENTERPRISE. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Elizabeth C. Matthews), ABSTAINING – 0, THREE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE ADDITION OF GRANDCHILDREN, STEP-PARENTS, STEP-SISTERS, STEP-BROTHERS, AUNTS, UNCLES, NIECES AND NEPHEWS TO THE CURRENT SICK LEAVE POLICY DEFINITION OF THE IMMEDIATE FAMILY FOR BOTH GOVERNMENT AND ENTERPRISE. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth C. Matthews, Isabelle H. Welsh), THREE OPPOSED (Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), ABSTAINING – 0, THREE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

6. John Baker, Attorney – Renewal Business License Timothy Mayo - All Purpose Drywall

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE LICENSE RENEWAL FOR TIMOTHY MAYO ALL PURPOSE DRYWALL AND TO REDUCE THE BUSINESS LICENSE FEES FOR NEW OR RENEWAL FROM \$125.00 TO \$20.00 EFFECTIVE TODAY. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Toni J. Minton), ABSTAINING – 0, THREE ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Michael F. LaFernier, Sr.).**

**Lunch: 11:54 a.m. – 1:05 p.m.**

**President Swartz returned at 1:05 p.m.**

[Return to Old Business 4.] Gary Loonsfoot, Jr., Language Coordinator/Language Apprentices – **1:00 p.m.**

Gary Loonsfoot, Jr., Lisa Denomie, Terri Denomie, Joe Dowd, Liz Julio, Joanne Racette and Dale Shalifoe

The Council held a discussion with the Language Apprentices and the grant requirement of apprentices attending the immersion classes. The Council heard from them as to why they do not wish to attend.

**Mike LaFernier, Sr. arrived at 1:40 p.m.**

Some did not understand the requirements of attending the immersion classes when they applied and some were not told.

The Council opted to have Gary contact the funding agency and see if they would allow the Tribe to change the requirements to two different teaching methods and also add six more apprentices from the immersion students, and find out if the Tribe will still be in compliance with the grant.

**Break: 2:11 – 2:24 p.m.**

K. Closed Session:

1. Lisa Denomie, Pre-Primary Program - Department Head Update
2. Arlan Friisvall, Maintenance – Department Head Update
3. Jason Ayres, Realty - Department Head Update
4. Larry Denomie III, CEO – Media Services Group Station Marketing Agreement
5. John Baker, Attorney
6. Warren C. Swartz, Jr., President
7. Jennifer Misegan, Treasurer –
  - a) Donations
  - b) Baraga Casino 8% Offset
  - c) Budget Modification – Tribal Health Fund line item transfers

8. Lynn Haataja, Interim General Manager/Larry Denomie III, CEO – Proposal

**MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 2:30 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth C. Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING – 0, ONE ABSENT (Jerry Lee Curtis).**

Elizabeth Mayo left at 2:31 p.m.

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

Jennifer Misegan left at 3:40 p.m.

**MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 5:04 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth C. Matthews, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, FOUR ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo).**

Donations for May 2009

**MOTION MADE BY TONI J. MINTON TO APPROVE THE MAY 2009 DONATIONS AS \$500.00 TO THE BARAGA GIRLS VARSITY BASKETBALL TEAM, \$500.00 TO THE NATIONAL INDIAN EDUCATION ASSOCIATION AND \$250.00 TO THE BARAGA HIGH SCHOOL COMMITTEE TO PROMOTE ALCOHOL AWARENESS. SUPPORTED BY ISABELLE H. WELSH. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth C. Matthews, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, FOUR ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo).**

Pete Magaraggia Lease Agreement – Substance Abuse Outpatient Clinic

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE RATIFICATION OF THE LEASE BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND PETE MAGARAGGIA PENDING APPROVAL OF THE BUDGET MODIFICATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth C. Matthews, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, FOUR ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo).**

Early Childhood Education Center Funding – \$600,000.00 available

**MOTION MADE BY TONI J. MINTON TO APPROVE SEEKING ADDITIONAL ICDBG FUNDING FOR THE EARLY CHILDHOOD EDUCATION CENTER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth C. Matthews, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, FOUR ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo).**

There was consensus not to renew the Media Services Group Station Marketing Agreement (Radio Stations)

Baraga Casino 8% - \$531,822.42 is due from the Baraga Casino 8% for the period October 2008 – March 2009.

**MOTION MADE BY SUSAN J. LAFERNIER TO NOT OFFSET THE BARAGA CASINO 8% IN THE AMOUNT OF \$89,363.74 AND TO PAY THE TOTAL AMOUNT OF \$531,822.42. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Michael F. LaFernier, Sr., Elizabeth C. Matthews), TWO OPPOSED (Fred Dakota, Isabelle H. Welsh), ABSTAINING – 0, FOUR ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo).**

L. Adjournment:

**MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 5:15 P.M. SUPPORTED BY ISABELLE H. WELSH. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth C. Matthews, Isabelle H. Welsh), OPPOSED – 0, ABSTAINING – 0, FOUR ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo).**

Respectfully submitted,

Peggy Minton  
Administrative Specialist