

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – APRIL 29, 2010 – 9:00 A.M.

- A. Date: April 29, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:11 a.m.
- C. Invocation: Lord’s Prayer and prayers for those in the hospital and in the military
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFernier, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer
Jerry Lee Curtis (arrived at 9:27 a.m., left at 4:09 p.m.)
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 9:18 a.m., left 10:01 – 11:18 a.m.,
left at 1:37 p.m.)
Gary F. Loonsfoot, Sr.
Elizabeth D. Mayo (left at 10:54 a.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: April 29, 2010
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| Additions: | Old Business- | 1. Isabelle Welsh – a) May 8, 2010 Meeting
b) Amanda Bloxten Request |
| | New Business- | 2. Eddy Edwards – d) Rebecca Rasanen Donation Request
e) Cody Blue Donation Request
4. President Swartz – a) Powwow Committee
b) Payroll
c) Yvette Friisvall |

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

Mike LaFernier, Sr. arrived at 9:18 a.m.

G. For Your Information:

1. WHIPP Task Force: “Walk Your Way to Wellness” Flyer May 2 – August 14 and Skin Cancer Awareness Walk April 29th
2. Land Acquisition Project from Susan Spear, Ottawa National Forest Supervisor, USDA – Todd Warner wrote a letter of support of the purchase of Prickett Reservoir Property
3. Discussion Draft of Legislation Regarding Jobs and Economic Development in Indian Country from Senator Byron L. Dorgan – Gregg Nominelli and Debra Picciano, Grants Office also received a copy
4. Pines Convenience Equipment Update – Timeline Review
5. Eddy Edwards – Amendment to Tribal Code Domestic Relations Title 7 – to allow Grandparents to petition the court for visitation when a child is under the jurisdiction of the court

Jerry Lee Curtis arrived at 9:27 a.m.

6. An Invite to AmeriCorps Week 2010 - May 10 –14, 2010 BHK Conference Room in Houghton

H. Old Business:

1. Isabelle Welsh –
 - a) May 8, 2010 Meeting

MOTION MADE BY ISABELLE H. WELSH TO RECONSIDER THE MOTION REGARDING THE MAY 8, 2010 MEETING AT EAGLE ROCK. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

(Mike LaFernier, Sr. out of the room)

The Council will meet on the business at the Tribal Center, then recess to meet at Eagle Rock.

- b) Amanda Bloxten Request – she would like Council to send an official letter to the Florida court of her jurisdiction, stating what services would be available to her if she moved back home to the Reservation.

MOTION MADE BY ELIZABETH D. MAYO TO HAVE THE CHAIRMAN WRITE A LETTER TO AMANDA BLOXTEN TO PRESENT TO THE COURT, STATING WHAT SERVICES ARE AVAILABLE TO HER IF SHE WERE TO MOVE BACK TO KBIC. SUPPORTED BY JERRY LEE CURTIS. 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.

I. New Business:

- 1. Dale Dakota, Chief of Police – 17.5’ Boat and Trailer Bids (3)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE BID FROM LAKE RUTH MARINE FOR THE PURCHASE OF A BOAT AND TRAILER IN THE AMOUNT OF \$15,800.00 PENDING THE PROCUREMENT POLICY (GRANT REQUIREMENTS) WITH THE FINAL DECISION TO COME FROM THE PRESIDENT. SUPPORTED BY WILLIAM E. EMERY. 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. Eddy Edwards –

- a) 1st Reading Proposed Title 16 Motor Vehicle Code Amendment 2010-04 which would replace the existing code in its entirety

MOTION MADE BY GARY F. LOONSFOOT, SR. TO WAIVE THE 1ST READING OF PROPOSED MOTOR VEHICLE CODE AMENDMENT 2010-04. SUPPORTED BY EDDY EDWARDS. ALL IN FAVOR (William E. Emery, 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 (Susan J. LaFernier), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) Donation Request Barbara Mantila for Medical Travel Expenses Rochester, MN

The CEO’s Office also gave her a gas card.

MOTION MADE BY EDDY EDWARDS TO DONATE \$200.00 TO BARBARA MANTILA FOR HER MEDICAL TRAVEL. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (William E. Emery, 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 (Susan J. LaFernier), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

c) Donation Request Hope Dakota - Travel Expenses

MOTION MADE BY EDDY EDWARDS TO REIMBURSE THE \$136.00 BUS TICKET FOR THE ORIGINAL COST OF THE TRAVEL FOR HOPE DAKOTA'S DAUGHTER AND TO PROVIDE HER A TRAVEL ADVANCE WITH THE NORMAL RATES TO TRAVEL TO SOUTH DAKOTA TO PICK HER UP. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. TEN IN FAVOR (William E. Emery, Elizabeth "Chiz" Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFerner), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Susan LaFerner stated her opposition: She is opposed because we have not given travel advances in the past.

Break: 10:01 – 10:15 a.m.

Mike LaFerner, Sr. left at 10:01 a.m.

d) Rebecca Rasanen Donation Request for Class trip to Chicago for Physics class

Toni Minton stated that the Council has always given \$300 per student for travel and Rebecca has already received that for the International Trip to Europe.

Elizabeth Mayo asked if she would qualify for the \$125 from the Youth Fund.

MOTION MADE BY EDDY EDWARDS TO DONATE \$250.00 TO REBECCA RASANEN TO ATTEND HER PHYSICS CLASS TRIP TO CHICAGO. SUPPORTED BY JERRY LEE CURTIS. SEVEN IN FAVOR (William E. Emery, Elizabeth "Chiz" Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), THREE OPPOSED (Susan J. LaFerner, Gary F. Loonsfoot, Sr., Toni J. Minton), ABSTAINING - 0, ONE ABSENT (Michael F. LaFerner, Sr.), MOTION CARRIED.

Susan LaFerner stated her opposition: She feels there needs to be a new policy established for all donations. She will help prepare one.

Toni Minton concurs.

e) Cody Blue Donation Request for Medical Expenses (Deductible and Co-pay)

MOTION MADE BY EDDY EDWARDS TO APPROVE \$265.78 FOR CODY BLUE'S REQUEST. SUPPORTED BY ISABELLE H. WELSH. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth "Chiz" Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Elizabeth D. Mayo, Toni J. Minton), ABSENT - 0, MOTION CARRIED.

3. Larry Denomie III, CEO – Roof Repair Bids for the Police/Conservation Building (3)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE OJIBWA BUILDERS FOR THE ROOF REPAIR AT THE POLICE DEPARTMENT IN THE AMOUNT OF \$13,454.10. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

4. President Swartz –

- a) Payroll - request to allow the President's executive secretary to stamp the payroll checks. The Executive Council members are the only ones to use the stampers according to policy and Council will abide by the policy. Eddy Edwards would like to work on the policy with Hosh LaPointe regarding the check signing procedures.
- b) Powwow Committee – They have reported that Committee members have not been attending the meetings and they are going to proceed with the process of removal according to their by-laws. Recent Committee selections will also be clarified.
- c) Yvette Friisvall – She has accepted the services agreement to proofread the code.

Elizabeth Mayo left at 10:54 a.m.

J. Closed Session:

1. Government Employee Grievance Hearing Case #002-10
2. Susie Lawrence, Background Investigator – Also present: Michael Duschene, David Rantanen, Jennifer Misegan
 - a) Action #029-2010 - New Gaming Employee Licenses (6)
 - b) Action #030-2010 – Gaming Employee License Position Transfer (1)
 - c) Action #031-2010 – Aristocrat Technologies, Inc.
3. John Bussey, Executive Gaming Director – Action #033-2010 Review of Regulatory Violation Form B1594
4. John Baker, Attorney
5. Larry Denomie III, CEO –
 - a) Business Update
 - b) Personnel Issue

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 10:55 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Break: 10:56 – 11:15 a.m.

Mike LaFERNIER, Sr. returned at 11:18 a.m.

Lunch: 12:16 – 1:22 p.m.

Eddy Edwards returned from lunch at 1:34 p.m.

Mike LaFERNIER, Sr. left at 1:37 p.m.

Break: 3:18 – 3:34 p.m.

Jerry Lee Curtis left at 4:09 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 4:29 P.M. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Government Employee Grievance Hearing Case #002-10 –

MOTION MADE BY ISABELLE H. WELSH TO UPHOLD THE CEO’S DECISION AND TO HAVE THE EMPLOYEE IN CASE #002-10 BE SUPERVISED BY THE CEO’S OFFICE AND TO HAVE THE EMPLOYEE AND THE PREVIOUS SUPERVISOR ATTEND EAP SERVICES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Eddy Edwards, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo), MOTION CARRIED.

(Eddy Edwards out of the room)

Amendment to Special Counsel Contract – Honigman Miller Schwartz and Cohn LLP

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AMENDMENT TO HONIGMAN’S SPECIAL COUNSEL CONTRACT. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Gaming Commission: Action #029-2010 - New Gaming Employee Licenses (6) – KB-003 to KB009-10

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE ACTION #029-2010. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Action #030-2010 – Marquette Casino Gaming Employee License Position Transfer (1) – KB-187-09

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE ACTION #030-2010. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Action #031-2010 – Aristocrat Technologies, Inc. – Renewal of their manufacturer/distributor license

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE ACTION #031-2010. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Action #033-2010 Review of Regulatory Violation Form B1594 – Key violation

MOTION MADE BY EDDY EDWARDS TO APPROVE GAMING COMMISSION ACTION #033-2010 IN ACKNOWLEDGING THE VIOLATION OF THE WICS AND TO CONCUR WITH MANAGEMENT ON THE FIVE-DAY SUSPENSION. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

There was consensus to have Derek Sever, Radio General Manager, look into moving the tower.

K. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:36 P.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Elizabeth “Chiz” Matthews, Eddy Edwards), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist