

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – APRIL 7, 2011 – 9:00 A.M.**

- A. Date: April 7, 2011
- 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 (left 10:24 a.m. – 1:47 p.m.)
William E. Emery, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary
Eddy Edwards, Treasurer (arrived at 9:22 a.m.)
Jerry Lee Curtis (left at 3:35 p.m.)
Fred Dakota (left at 10:25 a.m.)
Michael F. LaFernier, Sr. (arrived at 9:18 a.m.)
Gary F. Loonsfoot, Sr.
Elizabeth “Chiz” Matthews (left 2:32 – 3:53 p.m.)
Elizabeth D. Mayo (left 10:25 – 10:45 a.m.)
Isabelle Helene Welsh (arrived at 9:30 a.m., left 10:52 – 11:40 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: April 7, 2011
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| Deletions: | Old Business- | 3. Eddy Edwards – Schedule 3 rd Readings
a) Proposed Land Assignment Ordinance 2010-02
b) Proposed Mortgage Foreclosure and Eviction Ordinance 2010-03 |
| | Closed Session- | 1. John Baker, Attorney
5. Larry Denomie III, CEO - Reclassification for Grant Writer and Grant Specialist |

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

G. For Your Information:

1. Food Safety & Environmental Health Survey of the Ojibwa Seniors Center & Community Building – March 14, 2011
2. Annual Rural Elected Officials Meeting April 22, 2011 Crystal Falls – MDOT Rural Transportation Planning Process
3. Keweenaw Economic Development Alliance Monthly Membership Meeting April 13, 2011 - Hancock
4. Susan LaFernier – KBIC Tribal Flag Guidelines
5. Larry Echo Hawk, Assistant Secretary – Indian Affairs - Funding Agreements Status Review

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

H. Approval of Meeting Minutes:

Eddy Edwards arrived at 9:22 a.m.

1. August 19, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AUGUST 19, 2010 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

2. August 26, 2010

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AUGUST 26, 2010 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

I. Recognize Scheduled Delegation/Individuals:

1. VOIGT Task Force/GLIFWC/Todd Warner, NRD/Keith Rolof

VOIGT Intertribal Task Force:

Tom Maulson, (Lac du Flambeau), Chair

Mic Isham, (LCO), GLIFWC Board of Commissioners Chair
GLIFWC:
James Zorn, Executive Administrator
Jim St. Arnold, (KBIC), ANA Program Director
Neil Kmiecik, Biological Services Director
Ann Soltis, Director – Division of Intergovernmental Affairs
James Thannum, Planning and Development Specialist
Fred Maulson, GLIFWC Chief Warden

Treaty Right Issues were discussed as well as the importance of exercising the right to trap, gather, hunt, and fish. Tribes have the responsibility to involve the youth in exercising these rights and to keep our language and culture in order to maintain a sustainable Tribal Community. If Tribes aren't doing these things, the work they are doing (fighting for our treaty rights) is all for nothing.

Isabelle Welsh arrived at 9:30 a.m.

President Swartz informed the group that KBIC is going to enforce home territory rules on visitors from other Tribes. A mutual respect for each other must be upheld.

Tom Maulson invited the Council to a fishing event on June 8, 2011 where they can fish and visit with each other.

[New Business]

1. President Swartz - Ojibwa Housing Authority Telephone Poll Motion

MOTION MADE BY ELIZABETH D. MAYO REGARDING THE TELEPHONE POLL ON MARCH 30, 2011 IN PLACE THEREOF AS FOLLOWS: ON OR BEFORE APRIL 29, 2011, THE OJIBWA HOUSING AUTHORITY SHALL PAY THE FULL BALANCE OF \$75,624.34, PLUS ALL INTEREST ACCRUED THEREON UNTIL PAID AT THE RATE PROVIDED THEREFORE IN THE 401(K) PLAN, WHICH IS OWED BY THE OJIBWA HOUSING AUTHORITY TO THE COMMUNITY AS THE OJIBWA HOUSING AUTHORITY'S REQUIRED CONTRIBUTION TO THE 401(K) PLAN FOR THE ACCOUNT OF THE OJIBWA HOUSING AUTHORITY'S EMPLOYEES WHO SHOULD HAVE BEEN PARTICIPANTS IN THE 401(K) PLAN DURING THEIR EMPLOYMENT BY OJIBWA HOUSING AUTHORITY. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Gary F. Loonsfoot, Sr.), ONE ABSENT (Eddy Edwards), MOTION CARRIED.

(Eddy Edwards is out of the room)

President Swartz left at 10:24 a.m.

Fred Dakota and Elizabeth Mayo left at 10:25 a.m.

Break: 10:25 – 10:35 a.m. [William Emery is chairing the meeting]

J. Old Business:

1. Todd Warner, NRD [Not present]/Keith Rolof - Smith-Root Invoice changes for NRD Backpacking Shocking Unit/Stream Assessment Equipment that were approved by Council on 2/3/11

Natural Resources Department Backpacking Shocking Unit Invoice Approval –

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE NRD BACKPACKING SHOCKING UNIT PURCHASE INVOICE IN THE AMOUNT OF \$8,713.39. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

Natural Resources Department Stream Assessment Equipment Invoice Approval –

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE NRD STREAM ASSESSMENT EQUIPMENT PURCHASE IN THE AMOUNT OF \$16,818.50. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Elizabeth D. Mayo), MOTION CARRIED.

2. Bruce LaPointe, Project Manager – (Baraga County Road Commission Update)

Elizabeth Mayo returned at 10:45 a.m.

- a) SEMCO Natural Gas Line Additional Main Extension for Dynamite Hill Road, Vuk Road, and Brewery Road – Bruce will negotiate the cost.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE THE SEMCO GAS LINE EXTENSION UNTIL NEXT WEEK. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

- b) Baraga County Road Commission Cooperative Agreement Modification #1

Time extension requests are needed. Bruce will get the information requested from the Council for the Silver Road Bridge Project and the original agreements for clarification at a later date.

Isabelle Welsh left at 10:52 a.m.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE MODIFICATION TO COOPERATIVE AGREEMENT NUMBER AGF2009027 PROJECT WHICH INCLUDES THE DYNAMITE HILL ROAD, TANGEN ROAD, PEQUAMING ROAD, BEN ROAD, AND BILTONEN ROAD; CHANGING THE COMPLETION DATE FROM DECEMBER 31, 2011 TO DECEMBER 31, 2012. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Michael F. LaFerner, Sr.), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

- c) Baraga County Road Commission Cooperative Agreement Modification #4 – Silver Road Bridge Construction

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE DATE CHANGE ON COOPERATIVE AGREEMENT NUMBER AGF50030025 FROM DECEMBER 31, 2010 TO DECEMBER 31, 2011. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), TWO OPPOSED (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

K. New Business:

- 1. Jennifer Misegan – Design for Government License Plate – these special plates are for company vehicles and will have no expiration date.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE GOVERNMENT LICENSE PLATE WITH THE BLUE AND WHITE DESIGN, AS SHOWN ON BOTTOM OF PAGE. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Michael F. LaFerner, Sr.), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

- 2. Larry Denomie III, CEO - Baraga Casino Assistant General Manager Job Description Review

MOTION MADE BY EDDY EDWARDS TO APPROVE THE JOB DESCRIPTION FOR THE BARAGA CASINO ASSISTANT GENERAL MANAGER WITH THE CHANGES AND TO POST AND THE COUNCIL WILL HIRE WITH THE GENERAL MANAGER’S RECOMMENDATION. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

3. Susan LaFerner, Secretary – Committee Suggestions/Guidelines – for review

The Department Heads will be asked for suggestions for review at a later date.

Isabelle Welsh returned at 11:40 a.m.

4. President Swartz [Not present] – Committee Selection Results by ballot vote: [The votes were tallied by Susan LaFerner, Secretary and Toni Minton, Assistant Secretary and will be brought to the Council next week for approval.

Hiring Committee (1) –	Roger Duschene
Natural Resources Committee (2) –	Lawrence Swartz and a tie vote
Parks & Recreation Committee (3) -	Allen Gauthier, Dominic Picciano, Evelyn Ravindran
Powwow Committee (6) –	Tracy Emery, Melissa Koepp, Monica Kohn, Elvera Lantz, Lindsey Loonsfoot, Melinda Roberts
Youth Committee (4) –	Cecelia Chosa Dowd, Gary Loonsfoot, Jr., Vicky Mleko, William Jondreau

L. Closed Session:

1. Deborah Hilscher, Interim General Manager Eagle Radio – Marketron Broadcast Solutions, LLC Software License and Services Agreement and Addendum
2. Carole LaPointe, Health Director – James Otto Vollmar, R. Ph., Employment Agreement Chief Pharmacist
3. Susan LaFerner, Secretary – Personnel Issue Comp/Sick Leave
4. Eagle Radio Station General Manager Interviews (4)

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 12:02 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Eddy Edwards, Fred Dakota), MOTION CARRIED.

(Eddy Edwards is out of the room)

Lunch: 12:03 – 1:08 p.m.

Mike LaFerner, Sr. returned from lunch at 1:16 p.m.

Eddy Edwards returned from lunch at 1:27 p.m.

President Swartz returned at 1:47 p.m.

Break: 2:20 – 2:32 p.m.

Elizabeth Matthews left at 2:32 p.m.

Break: 3:23 – 3:35 p.m.

Jerry Lee Curtis left at 3:35 p.m.

Elizabeth Matthews returned at 3:53 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 4:28 P.M. SUPPORTED BY ISABELLE H. WELSH. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Fred Dakota), MOTION CARRIED.

Personnel Issue Comp/Sick Leave -

MOTION MADE BY SUSAN J. LAFERNIER TO PAY EMPLOYEES WHO HAVE 15 YEARS OF SERVICE WITH KBIC FOR THEIR COMP TIME UP TO 40 HOURS IF THE EMPLOYEE RETIRES, RESIGNS, OR IS TERMINATED EFFECTIVE DECEMBER 1, 2010. SUPPORTED BY TONI J. MINTON. FOUR IN FAVOR (Susan J. LaFernier, Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), FIVE OPPOSED (William E. Emery, Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Fred Dakota), MOTION DEFEATED.

Marketron Broadcast Solutions, LLC Software License and Services Agreement and Addendum -

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE MARKETRON BROADCAST SOLUTIONS, LLC SOFTWARE LICENSE AND SERVICES AGREEMENT AND ADDENDUM WITH THE CHANGES EFFECTIVE MAY 1, 2011. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Fred Dakota), MOTION CARRIED.

James Otto Vollmar, R. Ph., Employment Agreement Chief Pharmacist -

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE EMPLOYMENT AGREEMENT WITH CHIEF PHARMACIST JAMES OTTO VOLLMAR, EFFECTIVE APRIL 1, 2011. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), TWO ABSENT (Jerry Lee Curtis, Fred Dakota), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, SR. TO ADJOURN AT 4:34 P.M. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Fred Dakota), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist