

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – DECEMBER 1, 2011 – 9:00 A.M.**

- A. Date: December 1, 2011
- B. Call to Order: Vice President Emery called the meeting to order at 9:07 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: William E. Emery, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 1:20 p.m.)
Elizabeth D. Mayo, Treasurer
Jerry Lee Curtis (arrived at 9:50 a.m.)
Fred Dakota
Eddy Edwards
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr. (left 9:38 a.m. – 1:20 p.m., left at 2:23 p.m.)
Elizabeth “Chiz” Matthews (left at 3:37 p.m.)
Isabelle Helene Welsh
Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice President Emery declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 1, 2011
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| Addition: | New Business- | 5. Todd Warner, NRD – f) EPA Application for Water Quality Standards Update |
| Deletion: | New Business- | 6. Susan LaFernier, Secretary – Resolution KB-1863-2011 KBIC Support for Derek Bailey for Congress |

MOTION MADE BY EDDY EDWARDS TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Jerry Lee Curtis), MOTION CARRIED.

G. For Your Information:

1. Tribal First Risk Evaluation Preliminary Report for Casino Resort/Bingo Hall
2. DaShack Food Safety Survey
3. Audit Findings for Low Income Home Energy Assistance Program (LIHEAP) October 1, 2009 – September 30, 2012
4. KBIC Head Start/Early Head Start Environmental Health & Safety Survey Report

H. Approval of Meeting Minutes:

1. April 2, 2011

MOTION MADE BY EDDY EDWARDS TO APPROVE THE APRIL 2, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Fred Dakota), THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Jerry Lee Curtis), MOTION CARRIED.

I. Old Business:

1. Gregg Nominelli, Economic Developer – Comprehensive Economic Development Strategy (CEDs) - WUPPDR and ITC

Gregg recommends non-renewal of WUPPDR membership and continue working with ITC for reporting on the CEDs List for possible EDA Grants.

Gary Loonsfoot, Sr. left at 9:38 a.m.

J. New Business:

1. Larry Denomie III, CEO – Weekly Update

Jerry Lee Curtis arrived at 9:50 a.m.

2. Jason Ayres, Realty Officer –
 - a) Resolution KB-1864-2011 Diane Y. Charron Residential Lease

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE RESOLUTION KB-1864-2011 DIANE Y. CHARRON RESIDENTIAL LEASE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) Resolution KB-1865-2011 Cancels Daniel R. and Elizabeth H. Connor's Lease and grants Bruce K. LaPointe Residential Lease

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1865-2011 BRUCE K. LAPOINTE RESIDENTIAL LEASE. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Eddy Edwards is out of the room)

3. Jim Nardi, Human Resources/Vince Rose, President Employee Benefits/Brian Cote, ABS/Mandy Alston, Benefits Advisor – Presentation on Advanced Benefits Solutions

Employees will receive new insurance cards at renewal, January 1, 2012, with minimal impact on the employee. There is no change in benefits.

Break: 10:24 – 10:38 a.m.

4. Bruce LaPointe, Project Manager – Snow Pusher Bids (3) for the 544K End Loader

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE D & H WELDING FOR THE SNOW PUSHER PLOW IN THE AMOUNT OF \$3,800.00 FROM THE TRANSPORTATION BUDGET. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

(Isabelle Welsh is out of the room)

5. Todd Warner, NRD –
 - a) US Geological Survey Joint Funding Agreement Modification – Silver River Stream Gauges

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE AMENDMENT OF THE JOINT FUNDING AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR THE SILVER RIVER STREAM GAUGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, ONE ABSTAINING (Isabelle H. Welsh), THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) US Geological Survey Joint Funding Agreement Modification – Yellow Dog Plains Stream Gauges

MOTION MADE BY FRED DAKOTA TO APPROVE THE JOINT FUNDING AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR THE YELLOW DOG STREAM GAUGES, FY 2012 REPLACING THE OCTOBER 20, 2011 MOTION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) I.H.S. SDS Project BE-11-G55 – Dump Site Cleanups New Budget

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE BUDGET FOR THE DUMP SITE CLEANUP PROJECT #BE-11-G55 IN THE AMOUNT OF \$103,000.00 AND THE \$27,000.00 KBIC CONTRIBUTION. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- d) I.H.S. SDS Project BE-08-F62 – Individual Well Uranium Study MOA Amendment 1 (to install treatment systems in homes)

MOTION MADE BY EDDY EDWARDS TO APPROVE AMENDMENT #1 TO THE INDIVIDUAL WELL URANIUM STUDY MOA PROJECT #BE-08-F62. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- e) Request Travel Funds for (2) Tribal Members to attend HACCP Training for Commercial Fishing December 6-8, 2011

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE TWO TRIBAL MEMBERS, RONALD EDWARDS AND DAVID MAYO, FOR TRAVEL EXPENSES TO ATTEND HACCP TRAINING IN PETOSKEY, MICHIGAN IN THE AMOUNT OF UP TO \$653.60 AND IN THE EVENT THEY DO NOT ATTEND THEY WILL RETURN THE TRAVEL EXPENSES. SUPPORTED BY JERRY LEE CURTIS. SEVEN IN FAVOR (Susan J. LaFerner, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- f) EPA Application for Treatment as a State Water Quality Standards Update – An attorney opinion is required and it is being worked on.

6. Elizabeth Mayo, Treasurer – Donation Request Baraga High School Band Fundraiser to purchase band instruments

MOTION MADE BY EDDY EDWARDS TO APPROVE THE DONATION TO THE BARAGA HIGH SCHOOL BAND IN THE AMOUNT OF \$396.45 TO PURCHASE TRAVEL COFFEE CUPS ADVERTISING KBIC. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

7. John Baker, Attorney –

- a) Arlan Friisvall/Jeff Swartz New Business License for Zebing Solutions for Engineering and Construction Services - Mr. Baker will find out if Jeff Swartz is a licensed engineer.
- b) KBOCC Child Care Center Program Renewal License

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE KBOCC CHILD CARE CENTER PROGRAM LICENSE RENEWAL. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) Ojibwa Housing Authority Renewal Business License for Ojibwa BP Gas Station/Convenience Store/Marina Rentals

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE OHA BUSINESS LICENSE RENEWAL FOR THE OJIBWA BP GAS STATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Fred Dakota stated his opposition: He is opposed because they are operating without a Gaming License and are participating in the State Lottery.

- d) Ojibwa Housing Authority Renewal Purchase and Sale of Taxed Tobacco Products License for Ojibwa BP Gas Station

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE OHA OJIBWA BP GAS STATION TAXED TOBACCO LICENSE RENEWAL. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- e) Ojibwa Housing Authority Renewal Alcoholic Beverages (Liquor) License for Ojibwa BP Gas Station (off-premises)

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE OHA OJIBWA BP GAS STATION LIQUOR LICENSE RENEWAL. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

K. Closed Session:

1. John Baker, Attorney
2. Chris Chosa, THPO Director/Gary Loonsfoot, Jr., Language Coordinator – Language Apprenticeship Program Proposals
3. Ed Janisse, Radio Station Manager/Larry Denomie III, CEO – Personnel and Facility Update
4. Larry Denomie III, CEO –
 - a) Ojibwa Casino Personnel Issue
 - b) Christmas Checks
5. Christoph Geiger, Deputy Attorney – Medco Health Provider Agreement and MOU

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 11:30 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Eddy Edwards), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Lunch: 12:17 – 1:20 p.m.

Gary Loonsfoot, Sr. returned at 1:20 p.m.

Toni Minton arrived at 1:20 p.m.

Break: 2:23 – 2:45 p.m.

Gary Loonsfoot, Sr. left at 2:23 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:50 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Medco Health Solutions, Inc. Provider Agreement and MOU – Prescription Drug Management Services and Processing Claims

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE PROVIDER AGREEMENT AND MOU WITH MEDCO. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

KBOCC (Keweenaw Bay Ojibwa Community College) Lease –

MOTION MADE BY EDDY EDWARDS TO DIRECT STAFF TO PREPARE A LEASE FOR KBOCC BASED ON THE ORIGINAL LAND USE PLAN AND PURSUE THE PURCHASE OF KEWEENAW BAY OUTFITTERS PROPERTY TO LEASE TO KBOCC WHILE THEY WORK ON THEIR ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Richard H. Tuisku “Dick Storm” Services Agreement – January 1, 2012 – December 31, 2013 for the provision of a weekly two-hour Country Oldies Show (Eagle Radio)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RICHARD H. TUISKU “DICK STORM” SERVICES AGREEMENT. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Baraga and Marquette Casino General Manager Wage Increase –

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE WAGE INCREASE OF THE GENERAL MANAGER TO \$130,000.00. SUPPORTED BY ISABELLE H. WELSH. SIX IN FAVOR (Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ONE ABSTAINING (Susan J. LaFerner), THREE ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Christmas Gift Check Guideline Amendment -

MOTION MADE BY ISABELLE H. WELSH TO AMEND THE CHRISTMAS GIFT CHECK GUIDELINES TO INCLUDE MEMBERS WHO PASSED AWAY AFTER OCTOBER 1ST UNTIL THE END OF DISTRIBUTION TO HAVE THE FUNDS APPLIED TOWARDS THE FUNERAL EXPENSE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 3:58 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist