

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – AUGUST 12, 2010 – 9:00 A.M.**

- A. Date: August 12, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:16 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  
Eddy Edwards, Treasurer (arrived at 9:18 a.m.)  
Jerry Lee Curtis (arrived at 2:53 p.m.)  
Fred Dakota (left 10:20 a.m. – 1:15 p.m.)  
Gary F. Loonsfoot, Sr. (left 1:15 – 1:45 p.m., left at 2:45 p.m.)  
Elizabeth D. Mayo (left 10:20 – 1:15 p.m.)  
Isabelle Helene Welsh  
Absent: Michael F. LaFernier, Sr.  
Toni J. Minton
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 12, 2010

**Eddy Edwards arrived at 9:18 a.m.**

- |            |               |  |
|------------|---------------|--|
| Additions: | New Business- | 1. President Swartz - Request to allow Mike LaFernier, Sr. to purchase front-end loader at auction |
|            | Old Business- | 2. Larry Denomie, CEO – e) Zero Tolerance for Theft Policy   |
|            | FYI-          | 4. Susan LaFernier – Calumet Heritage Days Update  |

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), THREE ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Toni J. Minton), MOTION CARRIED.**

G. President Swartz Request – Authorization for Mike LaFerner, Sr. to attend an auction in Marquette and allow up to \$35,000.00 from the Indian Roads Program budget for a front-end loader purchase for Tribal Construction.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE FRONT-END LOADER, UP TO \$35,000.00, AND TO HAVE THE MONEY COME FROM THE INDIAN ROADS PROGRAM BUDGET. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Toni J. Minton), MOTION CARRIED.**

Eddy Edwards stated his opposition: He would have preferred to buy a new one.

H. For Your Information:

1. Ojibwa Casino Environmental Health and Safety Survey June 17, 2010 – Rhinelander District Office of Environmental Health
2. Ojibwa Casino II Environmental Health and Safety Survey – June 16, 2010 Rhinelander District Office of Environmental Health
3. A letter to Governor Granholm Expressing Michigan Tribes’ Concerns Regarding the Proposed Kennecott Mine from U.S. Department of Interior Larry Echo Hawk, Assistant Secretary, Indian Affairs and Anne Castle, Assistant Secretary , Water & Science
4. Susan LaFerner, Secretary – Calumet Heritage Days Update – The Cultural Committee feels it is a good idea as long as the Committee and the Council work together. The Council approves by consensus.

I. Approval of Meeting Minutes:

1. April 15, 2010

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE APRIL 15, 2010 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFerner), THREE ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Toni J. Minton), MOTION CARRIED.**

2. April 16, 2010

**MOTION MADE BY FRED DAKOTA TO APPROVE THE APRIL 16, 2010 MEETING MINUTES. 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., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Toni J. Minton), MOTION CARRIED.**

3. April 22, 2010

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE APRIL 22, 2010 MEETING MINUTES. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Toni J. Minton), MOTION CARRIED.**

J. Closed Session:

1. Commodity Food Program Director Interviews –
  - a) Jesse Forcia
  - b) Suzanne Kahkonen
  - c) Laura Mayo
  - d) Mary Lou Jossens
  - e) Darren Webb
2. Francis “Hosh” LaPointe, CFO - SNB Loan Account for Marquette Land
3. Jim Nardi, Human Resources – Tim Shanahan Update
4. John Baker, Attorney
5. Larry Denomie III, CEO – Pines Update
6. Bruce LaPointe, Project Manager –
  - a) Early Childhood Education Center Contract
  - b) Gas Station Location Site Process
6. Debra Picciano, CAP Administrator – Contract

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 9:35 A.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Toni J. Minton), MOTION CARRIED.**

**Fred Dakota and Elizabeth Mayo left at 10:20 a.m.**

**Break: 10:40 – 10:55 a.m.**

**MOTION MADE BY ISABELLE H. WELSH TO GO INTO OPEN SESSION AT 11:55 A.M. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.**

Commodity Food Program Director -

**MOTION MADE BY WILLIAM E. EMERY TO OFFER THE COMMODITY FOOD DIRECTOR POSITION TO DARREN WEBB. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.**

**Lunch: 11:57 a.m. – 1:15 p.m.**

**Fred Dakota and Elizabeth Mayo returned at 1:15 p.m.**

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 1:16 P.M. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 1:24 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

SNB Loan Account for Marquette Land -

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE LOAN FROM SUPERIOR NATIONAL BANK FOR \$1,381,520.62, TO PLEDGE THE SNB TRUST ACCOUNT ASSETS AS COLLATERAL ON THE LOAN AND AUTHORIZE THE PRESIDENT TO SIGN THE LOAN DOCUMENTS FOR THE MARQUETTE LAND PURCHASE. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFernier), FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 1:26 P.M. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

**Gary Loonsfoot, Sr. returned from lunch at 1:45 p.m.**

**Break: 1:50 – 2:05 p.m.**

**Break: 2:45 – 2:53 p.m.**

**Gary Loonsfoot, Sr. left at 2:45 p.m.**

**Jerry Lee Curtis arrived at 2:53 p.m.**

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 3:56 P.M. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

**Tim Shanahan Sick Leave Hours Approved –**

**MOTION MADE BY ELIZABETH D. MAYO TO CONTINUE TIM SHANAHAN’S SICK LEAVE HOURS UNTIL INFORMATION IS RECEIVED FROM OUR INSURANCE AGENT. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

**Early Childhood Education Center Standard Agreement –**

**MOTION MADE BY ISABELLE H. WELSH TO APPROVE THE EARLY CHILDHOOD EDUCATION CENTER CONTRACT WITH THE CHANGE IN 6.5.1 TO READ \$250.00 PER DAY INSTEAD OF \$1000.00 FLAT FEE AND CHANGE 6.5.2.1 TO READ “SHALL NOT HAVE TO PAY THE OWNER \$100.00.” SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

Ashtin Koski Services Agreement –

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND ASHTIN KOSKI TO CREATE A WEBSITE FOR THE COMMUNITY NEEDS ASSISTANCE PROGRAM FOR UP TO \$4,000.00 BY SEPTEMBER 30, 2010. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

BSA Training – 15 Students

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BUILDING SCIENCE ACADEMY TRAINING FOR INSTALLATION OF AIR SEALING AND INSULATION AND CONTRACTOR INSTALLATION/TRAINING FOR 15 STUDENTS. SUPPORTED BY FRED DAKOTA.

**MOTION MADE BY EDDY EDWARDS TO ADD A FRIENDLY AMENDMENT THAT THE FIFTEEN STUDENTS BEING TRAINED ARE TRIBAL MEMBERS. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

[Return to original motion]

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BUILDING SCIENCE ACADEMY TRAINING FOR INSTALLATION OF AIR SEALING AND INSULATION AND CONTRACTOR INSTALLATION AND TRAINING. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

K. New Business:

1. Lori Muhlig – Parade of Nations Request for Council Participation as the Parade Marshall September 18, 2010 - The Council approved by consensus to participate.
2. Susan LaFernier, Secretary – Schedule Enterprise Appeal of Termination Grievance Hearings Case #005-10, #006-10, #007-10

**MOTION MADE BY EDDY EDWARDS TO SCHEDULE THE ENTERPRISE APPEAL OF TERMINATION GRIEVANCE HEARINGS FOR AUGUST 19, 2010. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

L. Old Business:

1. 3<sup>rd</sup> Reading for Proposed Ordinance 2010-01 to Amend Sections 18B.303 through 18B.305 of Title 18 Chapter B of the Tribal Code of the Keweenaw Bay Indian Community to Require the Renewal of Gaming Establishment Licenses Every 3 Years

**MOTION MADE BY EDDY EDWARDS TO APPROVE PROPOSED ORDINANCE 2010-01 TO AMEND SECTIONS 18B.303 THROUGH 18B.305 OF TITLE 18 CHAPTER B OF THE TRIBAL CODE OF THE KEWEENAW BAY INDIAN COMMUNITY TO REQUIRE THE RENEWAL OF GAMING ESTABLISHMENT LICENSES EVERY THREE YEARS AND TO WAIVE THE APPROVAL OF THE MINUTES AND PROCEDURE. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

(William Emery is out of the room)

2. Larry Denomie III, CEO – [Rescheduled the following items from Old Business]
  - a) TERO/Work Force Coordinator Budget
  - b) Parks/Caretaker
  - c) Sand Point Master Plan Michigan Coastal Management Grant
  - d) Career Development Policy Amendment
  - e) Zero Tolerance for Theft Policy

M. Adjournment:

**MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 4:33 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist