

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – NOVEMBER 18, 2010 – 9:00 A.M.

- A. Date: November 18, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:15 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 9:16 a.m.)
Jerry Lee Curtis (arrived at 10:39 a.m., left 2:51 – 3:46 p.m.)
Fred Dakota (left 2:51 – 3:17 p.m.)
Michael F. LaFernier, Sr. (arrived at 11:08 a.m., left 1:10 – 3:06 p.m.)
Gary F. Loonsfoot, Sr.
Elizabeth D. Mayo (arrived at 9:47 a.m., left at 2:51 p.m.)
Toni J. Minton
Isabelle Helene Welsh (arrived at 9:18 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

Eddy Edwards arrived at 9:16 a.m.

- F. Approval of Agenda: November 18, 2010

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

- G. For Your Information:

1. A Memo from Robert Mudd, General Manager Baraga Casino regarding the Pressbox Ultimate Giveaway
2. Gaming Commission Meeting Minutes 10/13/10, 10/27/10
3. VOIGT Intertribal Task Force Meeting Minutes 10/7/10 Baraga, MI
4. USDI-National Park Service - Isle Royal Management Process to develop a plan for the Park's Cultural Resources
5. Voter's List

Isabelle Welsh arrived at 9:18 a.m.

H. Approval of Meeting Minutes:

1. May 20, 2010

MOTION MADE BY EDDY EDWARDS TO APPROVE THE MAY 20, 2010 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Fred Dakota), THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

2. May 27, 2010

MOTION MADE BY ELIZABETH "CHIZ" MATTHEWS TO APPROVE THE MAY 27, 2010 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

(Isabelle Welsh is out of the room)

3. June 3, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE JUNE 3, 2010 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. 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.

I. Old Business:

1. MOA with KBOCC – Debra Parrish present. Discussion

Elizabeth Mayo arrived at 9:47 a.m.

Break: 10:04 – 10:17 a.m.

Francis LaPointe stated that if OCC is a separate legal entity they may not be able to participate in the 401(k) plan. The only way they can remain in the plan is if the Tribe has some controlling interest or the plan is amended. The Council approves the Board of Regents candidates but does not appoint them, this may allow the College to remain in the plan. They will continue to research.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE KBOCC MOA WITH THE CHANGES. SUPPORTED BY FRED DAKOTA. 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.

Break: 10:26 – 10:38 a.m.

[New Business]

1. Vince J. Rose, Employee Benefits Agency, Inc./Jim Nardi, Human Resources – MEBS/Health Insurance BC/BS Plan Changes/Review – The Tribe will have significant increases at renewal in March/April.

Jerry Lee Curtis arrived at 10:39 a.m.

Mike LaFernier, Sr. arrived at 11:08 a.m.

[Old Business]

2. Larry Denomie III, CEO/Bruce LaPointe, Project Manager – Department of Public Works Organizational Structure

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE DEPARTMENT OF PUBLIC WORKS ORGANIZATIONAL CHART AS PRESENTED. SUPPORTED BY EDDY EDWARDS. 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.

MOTION MADE BY ELIZABETH D. MAYO TO HAVE CURRENT MAINTENANCE WORKERS REMAIN THE SAME AND THAT TRIBAL MEMBER TRIBAL CONSTRUCTION EMPLOYEES WILL BE TRANSFERRED WITH WRITTEN JOB DESCRIPTIONS INTO THE PUBLIC WORKS DEPARTMENT. SUPPORTED BY ISABELLE H. WELSH. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Eddy Edwards stated his opposition: He would like to follow the policy and have all Tribal members apply.

[Closed Session]

1. Judy Smith – Personnel Issue

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:45 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), THREE OPPOSED (Eddy Edwards, Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

(Isabelle Welsh is out of the room)

Lunch: 12:12 – 1:08 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 1:10 P.M. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFerner, Sr.), MOTION CARRIED.

Fred Dakota returned from lunch at 1:11 p.m.

**2nd Reading Proposed Secured Transactions Code 2010-07 Title 24 Chapter 24.4
2nd Reading Proposed Motor Vehicle Code 2010-04 Title 16**

Present:

President Swartz	Toni Minton
William Emery	Isabelle Welsh
Susan LaFerner	John Baker
Elizabeth Matthews	Larry Denomie III
Eddy Edwards	Jeanne Kauppila
Jerry Lee Curtis	Stacey Koski
Fred Dakota	Gary Loonsfoot, Jr.
Gary Loonsfoot, Sr.	Jennifer Misegan
Elizabeth Mayo	Janice Halverson

President Swartz read the Legislative Process.

[Secured Transactions Code 2010-07]

Comments: (See Legislative File)

Jennifer Misegan feels the law is incomplete and there are holes in it.

John Baker stated the blanks will be filled in by the Council during the 3rd Reading.

President Swartz closed the public hearing at 1:23 p.m.

[Motor Vehicle Code 2010-04]

Comments: (See Legislative File)

Gary Loonsfoot, Jr. feels the State does not conduct random insurance checks so why would the Tribe.

The 3rd Reading will be held on December 16, 2010.

President Swartz closed the public hearing at 2:50 p.m.

Break: 2:51 – 3:06 p.m.

Elizabeth Mayo left at 2:51 p.m.

Jerry Lee Curtis left at 2:51 p.m.

Fred Dakota left at 2:51 p.m.

Mike LaFernier, Sr. returned from lunch at 3:06 p.m.

J. New Business:

2. President Swartz –

a) Constitution Committee Selection (7). (9) Applications

Fred Dakota returned from lunch at 3:17 p.m.

MOTION MADE BY EDDY EDWARDS TO APPOINT THE NINE APPLICANTS TO THE COMMITTEE WITH SARAH SMITH AND GLENN BRESSETTE, JR. AS ALTERNATES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), THREE OPPOSED (Elizabeth “Chiz” Matthews, Toni J. Minton, Isabelle H. Welsh), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth D. Mayo), MOTION CARRIED.

b) Tribal Member Request from Mino ghee zhig Sandman-Shelifoe for the Christmas Gift Check

President Swartz will have a denial letter sent to him based on our Christmas Check Guidelines.

3. Sarah Smith, Assistant CEO/Evelyn Ravindran present – Request to allow individuals to borrow from their 401K Plan

MOTION MADE BY EDDY EDWARDS TO ALLOW EMPLOYEES TO BORROW UP TO 50% OF THEIR 401K PLAN. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFerner), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth D. Mayo), MOTION CARRIED.

Susan LaFerner stated her opposition: She is concerned about the employees’ future retirement.

4. Todd Warner - OSI Environmental Inc., Services Agreement to provide gasoline transportation and reclamation services for the underground storage tank at Commodity Foods

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

(Isabelle Welsh is out of the room)

5. Larry J. Denomie III (not present) See memo from David Haataja, Marquette Casino General Manager – Carpet Install – 2 phases/Casino Closure December 6, 2010 – reopen December 6, 2010 (19 hours)

MOTION MADE BY EDDY EDWARDS TO APPROVE THE CLOSURE OF THE MARQUETTE CASINO FOR REPAIRS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth D. Mayo), MOTION CARRIED.

Jerry Lee Curtis returned at 3:46 p.m.

6. Susan J. LaFerner, Tribal Council Secretary-Youth Program Activity Fund: Letters of Request to add Delta, Dickinson, and Menominee Counties

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE THE REQUEST UNTIL DECEMBER 2, 2010. SUPPORTED BY WILLIAM E. EMERY. TEN 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., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

7. Bruce LaPointe, Project Manager – Review of Purchase/Lease of Snow Removal Equipment/Trucks. He stated there is a package of (2) trucks available (a 2001 and a 2002) from Truck City Sales, Inc. in Wayland, MI for \$64,220.00

MOTION MADE BY FRED DAKOTA TO PURCHASE THE TWO TRUCKS FOR \$64,220.00. SUPPORTED BY WILLIAM E. EMERY. THREE IN FAVOR (William E. Emery, Jerry Lee Curtis, Fred Dakota), SEVEN OPPOSED (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION DEFEATED.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PURCHASE OF A 2011 4X4 F350 PLOW TRUCK FROM COPPER COUNTRY FORD IN THE AMOUNT OF \$27,500.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN 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., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

8. Eddy Edwards, Tribal Council Treasurer - 2% Requests Baraga and Marquette

MOTION MADE BY TONI J. MINTON TO TABLE THE REQUESTS UNTIL NOVEMBER 19, 2010. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN 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., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

K. Closed Session: [Rescheduled to November 19, 2010]

2. Amy St. Arnold/Gail Juntunen – Lynn Ketola Services Agreement
3. John Baker, Attorney
4. Gregg Nominelli, Economic Developer – Energy 3 Services Agreement
5. Steven Denomie – Enterprise Issue

L. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 4:23 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN 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., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Respectfully submitted,

Peggy Minton (for Janice Halverson)
Administrative Specialist