

**MINUTES**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**TRIBAL CENTER CONFERENCE ROOM**  
**THURSDAY – AUGUST 18, 2011 – 9:00 A.M.**

- A. Date: August 18, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.
- C. Invocation: Lord’s Prayer and prayers for Blue Misegan, Tom Lofquist, Loretta Hugo, and the Walitalo Family
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Susan J. LaFerner, Secretary  
Toni J. Minton, Assistant Secretary  
Eddy Edwards, Treasurer  
Jerry Lee Curtis (left 10:26 – 10:50 a.m.)  
Fred Dakota  
Michael F. LaFerner, Sr. (left 10:09 – 10:59 a.m.)  
Gary F. Loonsfoot, Sr. (arrived at 9:16 a.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo (left 9:50 a.m. – 1:14 p.m.)  
Isabelle Helene Welsh (arrived at 9:21 a.m., left 11:03 a.m. – 12:05 p.m.)  
Absent: William E. Emery, Vice President
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 18, 2011
- |            |                 |   |
|------------|-----------------|---|
| Additions: | FYI-            | 3. Susan LaFerner, Secretary - A “Thank you” from the Heritage Days Committee     |
|            |                 | 5. President Swartz - A “Thank you” from Sean Spruce for the Summer Youth Job     |
|            |                 | 6. Susan LaFerner, Secretary - Website Biographies and Pictures of the Council    |
|            | Closed Session- | 1. Gary Sanden, Travis Herron, Ron Logan, and Michael Warrior – Tubcraft Building |
|            | Old Business-   | 3. Eddy Edwards, Treasurer b) Grant Opportunity for Transfer Station              |

Move: Old Business 3. a) to Closed Session 5. Articles of Incorporation for Ojibwa Inc.

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

[Closed Session]

1. Gary Sanden, Travis Herron, Ron Logan, and Michael Warrior – Tubcraft Building/Cigarettes

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 9:15 A.M. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (William E. Emery, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.**

**Gary Loonsfoot, Sr. arrived at 9:16 a.m.**

**Isabelle Welsh arrived at 9:21 a.m.**

**Elizabeth Mayo left at 9:50 a.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 10:08 A.M. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

**Break: 10:09 – 10:24 a.m.**

**Mike LaFernier, Sr. left at 10:09 a.m.**

G. For Your Information:

1. A copy of the Environmental Health Survey Report for Pow Wow Campground and Recreational Site – July 22, 2011
2. An Invite to the Grand Opening of Legendary Waters Resort and Casino on Friday, September 16, 2011 in Red Cliff, Wisconsin
3. Heritage Celebration August 15-20, 2011 Calumet, MI *Honors the Ojibwa* and a “Thank you” from the Heritage Days Committee. A copper piece was also given from the Coppertown Mining Museum.
4. Wild Rice Camp September 9-11, 2011 LVD Pow Wow Grounds
5. A “Thank you” from Sean Spruce for the Summer Youth Job

6. KBIC Website Biographies and Pictures of the Council requested by the I.T. Department – Council will submit their biographies next week and consensus to use the cabinet pictures and to include the Tribe’s history.

**Jerry Lee Curtis left 10:26 – 10:50 a.m.**

H. Recognize Scheduled Delegation/Individuals:

1. Valoree Gagnon – Summer Project Update – She is considering a survey on fish harvesting this winter. She also presented a thank you and a copy of her printed thesis for her degree from MTU.

**Mike LaFerner, Sr. returned at 10:59 a.m.**

**Isabelle Welsh left at 11:03 a.m.**

I. Old Business:

1. Cheryne Clements, Fitness and Youth Programs Director – Youth/Parent Trip Policy

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

2. Susan LaFerner, Secretary – July Motions from August 6, 2011 Secretary’s Report

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE JULY 2011 MOTIONS AND SECRETARY’S REPORT. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

3. Eddy Edwards, Treasurer –

- a) Ojibwa Inc. (Draft) Board of Directors Position Requirements for posting (this issue will be discussed in Closed Session later today) regarding Corporations
- b) Grant Opportunity for Transfer Station – Eddy is aware of a grant through EDA for \$500,000 to 2 million. President Swartz requested to have Kristen Wakeham, OHA Grant Writer, give the information to the Tribe’s CEO.

J. New Business:

1. Eddy Edwards, Treasurer/John Davis – Baraga Casino Employees Picnic Issues

John Davis addressed the Council about a memo that went to the Casino employees stating they were allowed a guest at the employee picnic. John feels it has been a family event in the past and would like to bring his kids.

Robert Mudd/Dale Shalifoe/Conrad LaPlante arrived to meeting. Mr. Mudd explained that the picnic budget allows for employees to bring a guest and their kids and another memo was sent yesterday allowing their children to come that he was not aware of.

2. Gregg Nominelli, Economic Developer –

- a) Wind Monitoring Tower Installation Invoices – (These were approved by the Services Agreement) and were already paid per Sarah Maki
- b) Response from Bryan Haynes of Troutman Sanders regarding the RYO Machines. It was suggested to wait until January to buy the Roll Your Own machines until litigation is completed.

**MOTION MADE BY EDDY EDWARDS TO ALLOW TROUTMAN SANDERS TO WORK WITH THE RYO ISSUE IN A LIMITED CAPACITY. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (William E. Emery, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

3. Bruce LaPointe, Project Manager –

- a) M.O.A. BE-11-G61 Construction of Sanitation Facilities Wells & Septic for (7) Homes \$150,000.00

**MOTION MADE BY TONI J. MINTON TO APPROVE THE I.H.S. PROJECT BE-11-G61 MEMORANDUM OF AGREEMENT CONSTRUCTION OF SANITATION FACILITIES WELLS AND SEPTIC. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

Isabelle Welsh returned at 12:05 p.m.

- b) M.O.A. Project BE-11-G55 KBIC Solid Waste Dump Site Cleanup (25) Sites  
\$108,000.00

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE I.H.S. PROJECT BE-11-G55 MEMORANDUM OF AGREEMENT KBIC SOLID WASTE DUMP SITE CLEANUP. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), TWO ABSENT (William E. Emery, Elizabeth D. Mayo), MOTION CARRIED.**

**Lunch: 12:08 – 1:11 p.m.**

4. Jodene Rasanen, Summer Youth Program Coordinator – KBIC (Summer) Youth Employment Program Policy Handbook Revisions – for review

**Elizabeth Mayo and Isabelle Welsh returned from lunch at 1:14 p.m.**

**Gary Loonsfoot, Sr. returned from lunch at 1:15 p.m.**

**Eddy Edwards returned from lunch at 1:19 p.m.**

5. Eddy Edwards, Treasurer – Jim St. Arnold Donation Request of \$2,500.00 to sponsor his son, Colt and three other Native American Marines, to the Indian Summer Festival Camp on September 9-11, 2011 in Milwaukee from San Diego. He is also requesting a Tribal flag to be placed in the Veteran’s area at the Festival.

**MOTION MADE BY TONI J. MINTON TO APPROVE A DONATION TO PAY FOR AIRFARE AND HOTEL EXPENSES FOR COLT ST. ARNOLD TO ATTEND THE INDIAN SUMMER FESTIVAL IN MILWAUKEE, WISCONSIN. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

6. Carole LaPointe, Health Director – Resolution KB-1851-2011 ACA Tribal Personal Responsibility Education Program (PREP) Grant collaboration with the Inter-Tribal Council of Michigan for a Teen Pregnancy Prevention Program

**MOTION MADE BY GARY F. LOONSFOT, SR. TO APPROVE RESOLUTION KB-1851-2011 TRIBAL PERSONAL RESPONSIBILITY EDUCATION PROGRAM GRANT COLLABORATION WITH I.T.C. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

7. John Baker, Attorney – Pre-Primary Education Program License Renewal – Child Care Center (48 spaces)

**MOTION MADE BY FRED DAKOTA TO APPROVE THE PRE-PRIMARY EDUCATION PROGRAM LICENSE RENEWAL. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

Consensus to remove “Ojibwa Community College”

K. Closed Session:

2. John Baker, Attorney
3. Robert Mudd, Baraga Casino General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager – Shuffle Master, Inc. Electronic Table System Lease Agreement
4. Executive Director of Gaming Commission Applicants
5. Eddy Edwards, Treasurer – Articles of Incorporation for Ojibwa Inc./Corporations

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:25 P.M. SUPPORTED BY GARY F. LOONSFOOT, 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), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 2:42 P.M. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

Shuffle Master, Inc. Electronic Table System Lease Agreement - Addendum

**MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE SHUFFLE MASTER, INC. ELECTRONIC TABLE GAMES SYSTEM LEASE AGREEMENT ADDENDUM. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

Corporation Code Section 15 - Amendment

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO AUTHORIZE THE TRIBAL ATTORNEY TO DRAFT AN AMENDMENT TO SECTION 15 OF THE BUSINESS CORPORATION CODE TO ELIMINATE STOCK PROVISIONS AND TO CREATE A DIFFERENT ENTITY SUCH AS THE ONE IN THE BREAKTHROUGH MANAGEMENT GROUP, INC. CASE CHARTER FOR A WHOLLY OWNED UNINCORPORATED ENTITY OF THE TRIBE TO PROTECT SOVEREIGN IMMUNITY AND ADDRESS BANKRUPTCY AND TAX ISSUES. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

Interviews for Executive Director of Gaming Commission will be held August 26, 2011 at 9:00 a.m.

L. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 2:45 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (William E. Emery), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist