

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 15, 2009 – 9:00 A.M.**

- A. Date: January 15, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:20 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer (arrived at 10:13 a.m.)
Jerry Lee Curtis
Fred Dakota
Michael F. LaFerner, Sr.
Gary F. Loonsfoot, Sr. (left at 10:50 a.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (arrived at 10:00 a.m.)
Isabelle Helene Welsh
- Absent: Susan J. LaFerner, Vice-President
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 15, 2009
- Addition: New Business- 2. President Swartz – Fishermen’s Request

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

G. For Your Information:

1. Approval of Fiscal Year 2009 Budgets – Memo from Larry Denomie III, CEO
2. Pines Generator Update (Verbal) – Mike LaFernier informed the Council that there are problems with the generator (recall on the engine) and the Company is going to replace it at no cost.

H. Old Business:

1. Larry Denomie III, CEO – Snow Plowing Issue
[Not present – will return to later in the day]

I. New Business:

1. Gerry Cadeau – Replace 6 IGT Participation Games in Marquette

Replace IGT Participation Games in Marquette Casino

MOTION MADE BY GARY F. LOONSFOOT, SR. TO REPLACE SIX IGT PARTICIPATION GAMES IN MARQUETTE WITH FIVE IGT PARTICIPATION GAMES AND ONE ZODIAK PARTICIPATION GAME. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Susan J. LaFernier, Jennifer Misegan, Elizabeth D. Mayo), MOTION CARRIED.

Removal of (2) obsolete IGT Games

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE REMOVAL OF TWO IGT GAMES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Susan J. LaFernier, Jennifer Misegan, Elizabeth D. Mayo), MOTION CARRIED.

Replace IGT Participation Games from the Pines with Casino Games

MOTION MADE BY FRED DAKOTA TO APPROVE SIX BALLY PARTICIPATION GAMES INTENDED FOR THE PINES AND PLACE THEM IN THE CASINO AND PLACE SIX OF OUR OWN GAMES AT THE PINES AND REPLACE THE FOUR IGT PARTICIPATION GAMES THAT ARE CURRENTLY IN THE PINES WITH FOUR OF OUR OWN GAMES FROM THE CASINO. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Susan J. LaFernier, Jennifer Misegan, Elizabeth D. Mayo), MOTION CARRIED.

2. President Swartz – Fishermen’s Request

Fishermen’s (7) Request for Travel Expenses to a Commercial Fisheries Workshop on January 20-21, 2009 in Mackinaw City, MI. Agenda items include sanitation control procedures, quality assurance and quality control, temperature storage and smoked fish technology.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE \$3,000.00 FOR THE FISHERMEN’S REQUEST TO ATTEND THE WORKSHOP IN MACKINAW CITY. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Susan J. LaFERNIER, Jennifer Misegan, Elizabeth D. Mayo), MOTION CARRIED.

J. Closed Session:

1. Gregg Nominelli, Economic Developer/Patricia Gerard, Pines Manager
2. Todd Warner, NRD -
 - a) Contract – Former Pines Well
 - b) U.S. Geological Survey Joint Funding Agreement – FY09
3. Larry Denomie III, CEO –
 - a) Personnel Issue
 - b) Hiring Process Complaint
 - c) OCC Memorandum of Agreement/Budget

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 9:42 A.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (Susan J. LaFERNIER, Jennifer Misegan, Elizabeth D. Mayo), MOTION CARRIED.

Break: 9:43 – 9:48 a.m.

Elizabeth Mayo arrived at 10:00 a.m.

Jennifer Misegan arrived at 10:13 a.m.

Gary Loonsfoot, Sr. left at 10:50 a.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 11:33 A.M. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Susan J. LaFERNIER, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

President Swartz stated that if Baraga School is delayed, due to inclement weather, and there is a Council Meeting scheduled for that day, the Council Meeting would be delayed as well. If school is

called off, the Council Meeting will be called off and held the following day. If the Council Meeting will *not* be held the following day, the President will phone Council Members.

[Return to Old Business:] 1. Larry Denomie III, CEO – Snow Plowing Issue

Larry stated the guidelines are as follows: Seniors, 55 years old and over, those who are disabled, KBIC Tribal Members and living on the reservation. Any individuals who are currently being plowed that do not meet the qualifications will continue to be plowed for the remainder of this year and will be notified of the qualifications for next year.

Former Pines Gas Station – New Monitoring Well Installation and Corrective Action Plan Services Agreement - U.P. Engineers and Architects bid was approved by Council on November 6, 2008

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE CONTRACT WITH U.P. ENGINEERS AND ARCHITECTS TO INSTALL A NEW MONITORING WELL AT THE FORMER PINES GAS STATION FOR \$8,880.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Susan J. LaFernier, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

U.S. Geological Survey Joint Funding Agreement FY09 – There have been two gauges on the Salmon Trout River and one gauge on the Yellow Dog River since 2004 and 2005. Total amount for KBIC is \$43,750.00 for one year beginning October 1st.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR THE STREAM GAUGES IN THE YELLOW DOG PLAINS. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Susan J. LaFernier, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 11:53 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Susan J. LaFernier, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary