

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – MARCH 27, 2008 – 9:00 A.M.**

- A. Date: March 27, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:06 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Susan J. LaFerner, Vice-President  
Toni J. Minton, Secretary  
William E. Emery, Assistant Secretary  
Jennifer Misegan, Treasurer (left 11:30 – 11:53 a.m.)  
Larry J. Denomie III, CEO  
Doreen G. Blaker (arrived at 11:15 a.m.)  
Jerry Lee Curtis (arrived at 9:11 a.m.)  
Michael F. LaFerner, Sr.  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo (left at 5:04 p.m.)  
Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 27, 2008
- |           |                 |  |
|-----------|-----------------|--|
| Addition: | Old Business-   | 1. Chris Swartz – a) Honigman Contract Amendment<br>b) Kennecott Contested Court Case Update |
| Deletion: | New Business-   | 4. Lori LaFerner and Dale Dakota - Paramedic Training Request/Presentation                   |
| Move:     | Closed Session- | Changes to the order of Closed items   |

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Jerry Lee Curtis), MOTION CARRIED.**

G. For Your Information:

1. A copy of approved enrollment applications

**Jerry Lee Curtis arrived at 9:11 a.m.**

H. Approval of Meeting Minutes:

1. February 2, 2008

**MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE FEBRUARY 2, 2008 MEETING MINUTES UNTIL FURTHER INTO THE MEETING WHEN CORRECTIONS ARE DONE ON PAGE 9. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

2. February 7, 2008

**MOTION MADE BY TONI J. MINTON TO APPROVE THE FEBRUARY 7, 2008 MEETING MINUTES. SUPPORTED BY LARRY J. DENOMIE III. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.**

I. Old Business:

1. Warren C. Swartz, Jr., President - a) Honigman Contract Amendment

Chris stated that a discussion was held with Mr. Baker, Vice- President LaFernier and himself on the importance of moving forward with the Honigman Contract Amendment because they are doing the environmental work for our mining case. It is an extension of the original contract.

- b) Update on Contested Court Case with Kennecott

Chris updated the Council on the money spent on this case and stated that he will be asking other Tribes for financial support. The GLIFWC and VOIGT Task Force also approved a request to allow John Coleman to testify at the Contested Case Hearing.

Chris stated that the Coaster Brook Trout might be placed on the endangered species list. This could adversely affect our commercial fishermen per Jim Zorn from GLIFWC.

J. New Business:

1. Todd Warner, NRD/Katherine Kruse, Fish & Wildlife Specialist – Tribal Response Program Brownfield’s Community Survey Results Report - (15-Minute PowerPoint)

Todd and Katherine gave an update on the community surveys. They are planning to have a Community Meeting to discuss their objectives and the results.

**Break: 10:10 – 10:25 a.m.**

2. Larry Denomie/Pauline Spruce – a) Special Projects and Safety Coordinator Job Description

There was discussion on the qualifications and responsibilities of the Special Projects and Safety Coordinator. Chris will call Teresa Gallagher to discuss responsibilities and authorities of the Indian Health Service. A budget will also be presented.

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE JOB DESCRIPTION FOR THE SPECIAL PROJECTS AND SAFETY COORDINATOR POSITION WITH CHANGES AS DISCUSSED. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ONE ABSTAINED (Larry J. Denomie III), ONE ABSENT (Doreen Blaker), MOTION CARRIED.**

**MOTION MADE BY JENNIFER MISEGAN TO APPOINT CLAYTON EKDAHL AS THE SPECIAL PROJECTS AND SAFETY COORDINATOR AS OF THE CLOSING DATE OF THE TIRE SHOP AS PREVIOUSLY DISCUSSED. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (William E. Emery, Fred Dakota), TWO ABSTAINED (Larry J. Denomie III, Elizabeth D. Mayo), ONE ABSENT (Doreen Blaker), MOTION CARRIED.**

Councilman Mike LaFerner brought to President Swartz’s attention that his position as Building Inspector is a conflict of interest with his new appointment as President. Chris Swartz stated that he is resigning as building inspector as of today and that he will submit a letter of resignation to the Council later in the day.

b) Health Director Job Description

**MOTION MADE BY LARRY J. DENOMIE III TO CONTRACT THE HEALTH DIRECTOR POSITION AND THAT THE WAGE BE NEGOTIABLE. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINED - 0, ONE ABSENT (Doreen Blaker), MOTION CARRIED.**

Changes were reviewed under the qualifications and duties/responsibilities for the Health Director position. The Council had questions for Cherie Dakota, Health Director, regarding added items to the job description and asked that Cherie be called to give her input.

**Doreen Blaker arrived at 11:15 a.m.**

c) Youth Programs and Facility Coordinator Job Description – This is a new title with additional duties assigned. The title was previously Youth Facility Coordinator. The wage will be discussed at the upcoming wage meetings.

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE YOUTH PROGRAMS AND FACILITY COORDINATOR JOB DESCRIPTION AS PRESENTED. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Fred Dakota), OPPOSED – 0, TWO ABSTAINED (Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ABSENT - 0, MOTION CARRIED.**

Cherie Dakota arrived to answer questions regarding the supervision of the dental receptionist, which will be the Dentist and the Associate Director will supervise patient registration.

**Jennifer Misegan left 11:30 a.m.**

**MOTION MADE BY TONI J. MINTON TO APPROVE THE HEALTH ADMINISTRATOR JOB DESCRIPTION WITH THE CHANGES DISCUSSED AND TO POST IT. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED – 0, ONE ABSTAINED (Elizabeth D. Mayo), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.**

d) Employee Assistance Program Agreement – Marquette General Hospital is no longer providing this service effective April 1<sup>st</sup>.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE EMPLOYEE ASSISTANCE PROGRAM AGREEMENT WITH NORTHSTAR EMPLOYEE ASSISTANCE PROGRAM & LIFE COUNSELING CENTER AND KBIC FOR ONE YEAR AT \$17,575.00 EFFECTIVE APRIL 1, 2008. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Susan J. LaFernier), ABSTAINED - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.**

3. Tracy Emery/Marty Curtis [not present] – Pow Wow Committee Request

President Swartz informed the Council that the Pow-Wow Committee paid Lester Drift’s family the head-dancer honorarium that was intended for Lester for the upcoming July Pow-Wow and a family member may dance in his place as head-dancer.

**Jennifer Misegan returned at 11:53 a.m.**

**Lunch: 11:53 a.m. – 1:01 p.m.**

The Council received Chris Swartz’s letter of resignation as the Building Inspector.

K. Closed Session:

1. **1:00 p.m.** – Interview for Economic Developer – Pauline Knapp-Spruce present
2. Larry Denomie, CEO – Personnel Issue
3. Susan LaFernier, Vice-President
4. Jennifer Misegan, Treasurer – March 2008 Donations
5. John Baker, Attorney
6. Warren C. Swartz, Jr., President

**MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 1:02 P.M. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Larry J. Denomie III), MOTION CARRIED.**

**Larry Denomie returned from lunch at 1:05 p.m.**

**Jennifer Misegan returned from lunch at 1:06 p.m.**

**Break: 2:30 – 2:42 p.m.**

**Elizabeth Mayo left at 5:04 p.m.**

**MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 5:05 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

**MOTION MADE BY FRED DAKOTA TO APPROVE THE FEBRUARY 2, 2008 MEETING MINUTES WITH THE AMENDMENT. SUPPORTED BY LARRY J. DENOMIE III. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

**MOTION MADE BY LARRY J. DENOMIE III TO OFFER THE ECONOMIC DEVELOPER POSITION TO GREGG NOMINELLI. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

March 2008 Donations-

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FOLLOWING DONATIONS FOR MARCH: \$250.00 TO THE PITTSLEY BROTHERS RACING FOR STOCK CAR SPONSORSHIP, \$505.00 FOR HEAD START GRADUATION, \$500.00 EACH FOR THE BARAGA BASH COMMITTEE, L’ANSE SENIOR LOCK-IN PARTY, AND THE MAPS PROJECT GRADUATION, \$120.00 FOR THE ANNUAL COPPER COUNTRY FIREFIGHTERS TOURNAMENT ADVERTISING, \$1500.00 FOR THE LAKE SUPERIOR’S HURON RIVER RESTORATION, INC., \$500.00 FOR THE ANISHINAABEMOWIN TEG, INC. ANNUAL LANGUAGE CONFERENCE, \$1000.00 FOR THE BARAGA COUNTY 4-H YOUTH PROGRAMS ADVERTISING IN THE PLAT BOOK, \$500.00 FOR MOTHER EARTH WATER WALK AND \$500.00 FOR THE SUPERIOR AMERICORPS ALCOHOL AWARENESS MONTH. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED – 0, ABSTAINED - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

**MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE STS CONSULTANTS, LTD CONSULTANT AGREEMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

**MOTION MADE BY TONI J. MINTON TO APPROVE THE AMENDMENT TO THE SPECIAL COUNSEL CONTRACT WITH HONIGMAN MILLER SCHWARTZ AND COHN. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

**MOTION MADE BY LARRY J. DENOMIE III TO RECONSIDER THE LAND CLAIMS MOTION. SUPPORTED BY JERRY LEE CURTIS. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED – 0, ONE ABSTAINING (Susan J. LaFerner), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

**THE FOLLOWING MOTION TO BE RECONSIDERED:**

Land Claims Issue-

The Original Motion from the March 20, 2008 Meeting Reads as follows:

**MOTION MADE BY JERRY LEE CURTIS TO DIRECT OUR LEGAL COUNSEL TO MOVE AHEAD WITH THE LAND CLAIMS, OPTION B OF WHAT WAS DISCUSSED. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ONE ABSTAINED (Susan J. LaFerner), ONE ABSENT (Michael F. LaFerner, Sr.), MOTION CARRIED.**

**IN FAVOR – 0, EIGHT OPPOSED (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Fred Dakota), TWO ABSTAINING (Susan J. LaFerner, Michael F. LaFerner, Sr.), ONE ABSENT (Elizabeth D. Mayo), MOTION DEFEATED.**

L. Adjournment:

**MOTION MADE BY LARRY J. DENOMIE III TO ADJOURN AT 5:13 P.M. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Recording Secretary