

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – MAY 19, 2011 – 9:00 A.M.**

- A. Date: May 19, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Lord’s Prayer and an Ojibwe Prayer by Dale Shalifoe
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
William E. Emery, Vice President  
Susan J. LaFerner, Secretary  
Toni J. Minton, Assistant Secretary  
Eddy Edwards, Treasurer  
Jerry Lee Curtis (arrived at 10:03 a.m.)  
Fred Dakota (arrived at 9:28 a.m., left at 3:00 p.m.)  
Michael F. LaFerner, Sr. (left at 3:01 p.m.)  
Gary F. Loonsfoot, Sr. (left at 12:05 p.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo  
Isabelle Helene Welsh (arrived at 10:36 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 19, 2011
- Addition: Closed Session- 8. Susan LaFerner, Secretary – Schedule Government Employee Grievance Hearing

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

G. For Your Information:

1. CEO Tribal Self-Governance Conference Travel Report – Palm Springs, CA May 2-6, 2011

H. Old Business:

1. Eddy Edwards, Treasurer –

- a) Resolution KB-1829-2011 Marquette 2% - total \$163,254.99

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1829-2011 MARQUETTE 2%. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), THREE ABSENT (Jerry Lee Curtis, Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.**

- b) Review/Resolution KB-1828-2011 Baraga 2% - total \$119,225.36

**Fred Dakota arrived at 9:28 a.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1828-2011 BARAGA 2%. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Isabelle H. Welsh), MOTION CARRIED.**

Eddy Edwards stated his opposition: He is opposed to the Baraga County Tax Formula because the Tribe won the court case.

**Jerry Lee Curtis arrived at 10:03 a.m.**

- c) Zeba Site for ICDBG Community Building Project – The Council consensus was the area behind Beverly Lussier’s house, the lot next to Elizabeth Matthews. Councilman Edwards will notify Jim Stingle, Grant Writer.

2. Susan LaFernier, Secretary – 2011 KBIC Tribal Flag Guidelines

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE KBIC TRIBAL FLAG GUIDELINES WITH ONE ADDITION, TRIBAL FLAGS WILL BE FLOWN AT EQUAL HEIGHT OF THE U.S. FLAG. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (William E. Emery, 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), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.**

**Break: 10:20 – 10:30 a.m.**

3. Larry Denomie III, CEO –

a) Cell Phone (Use) Policy Amendment (Enterprise) – Adjustment for Enterprise

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE CELL PHONE USE POLICY FOR THE ENTERPRISE WITH THE CHANGES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.**

**Isabelle Welsh arrived at 10:36 a.m.**

b) Three Amigos Building Demolition – The Council consensus is to salvage any valuables and direct the Natural Resources Department to conduct an environmental survey so the land in trust application can get sent in. Gregg Nominelli is working on the business plan and Larry will complete a Request for Proposal by next week.

**Fred Dakota returned from break at 10:38 a.m.**

**MOTION MADE BY EDDY EDWARDS TO INSTRUCT STAFF TO DEMO THE THREE AMIGOS BUILDING AND SALVAGE ANY VALUABLES. SUPPORTED BY WILLIAM E. EMERY. ALL IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

c) Renewal for Joseph Brazeau Services Agreement for building official services

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND JOSEPH BRAZEAU. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ONE ABSTAINING (William E. Emery), ABSENT - 0, MOTION CARRIED.**

I. New Business:

1. Brad Dakota, Chief Judge – Tribal Court Request for Additional Staff Funding

Brad requested two new full time positions at Tribal Court. (1) Probation Officer and (1) Deputy Clerk and requested the approval for the budget modification for fund 11.10.116

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BUDGET MODIFICATION REQUEST FROM TRIBAL COURT FOR THE TWO FULL-TIME POSITIONS FOR THE REMAINDER OF THE BUDGET YEAR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, 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, ABSENT - 0, MOTION CARRIED.**

Eddy Edwards stated his opposition: He is not opposed to the two new positions, he feels there is a need to eliminate some waste before approving new positions.

2. Jason Ayres, Realty Officer –

- a) Resolution KB-1826-2011 Gavin C. Loonsfoot residential lease will be cancelled and transferred to Charles W. Gauthier Residential Lease

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1826-2011 CHARLES W. GAUTHIER RESIDENTIAL LEASE MODIFICATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (William E. Emery, 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, ABSENT - 0, MOTION CARRIED.**

- b) Resolution KB-1827-2011 Michael Baxter Undivided Fractional Interest Sale/Purchase Agreement for \$401.00

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1827-2011 MICHAEL BAXTER UNDIVIDED FRACTIONAL INTEREST SALE/PURCHASE. SUPPORTED BY GARY F. LOONSFOOT, SR. ALL IN FAVOR (William E. Emery, 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, ABSENT - 0, MOTION CARRIED.**

3. Jennifer Misegan, Enrollment/Licensing Director – Decorative Veteran License Plate (for the front of vehicles)

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DECORATIVE VETERANS LICENSE PLATE AND A FEE OF \$10.00. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (William E. Emery, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), FIVE OPPOSED (Susan J. LaFernier, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

4. Sarah Maki (Constitution Committee) – Resolution KB-1825-2011 Secretarial Election for Amendment to Constitution Article VIII Section 1

**MOTION MADE BY ISABELLE H. WELSH TO DENY RESOLUTION KB-1825-2011 SECRETARIAL ELECTION FOR AN AMENDMENT TO THE CONSTITUTION UNTIL A CONSTITUTION CONVENTION IS HELD FOR THE MEMBERSHIP. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), FOUR OPPOSED (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

5. Eddy Edwards, Treasurer - EPA Treatment as a State for Water Quality Enforcement

**MOTION MADE BY EDDY EDWARDS TO DIRECT THE NATURAL RESOURCES DEPARTMENT TO MAKE OBTAINING THE TREATMENT AS A STATE FOR WATER ENFORCEMENT A HIGH PRIORITY AND REQUEST A LIST OF TASKS THAT NEED TO BE DONE AND AN ESTIMATED COMPLETION DATE BY NEXT WEEK. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (William E. Emery, 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, ABSENT - 0, MOTION CARRIED.**

6. Larry Denomie III, CEO – Summer Youth Program Wages

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SUMMER YOUTH PROGRAM WAGE INCREMENTAL INCREASE FOR THE YOUTH WORKERS AND A 3% INCREASE FOR THE RETURNING COORDINATOR AND SUPERVISORS. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), THREE OPPOSED (William E. Emery, Eddy Edwards, Gary F. Loonsfoot, Sr.), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.**

(Fred Dakota is out of the room)

7. President Swartz – Committee Vacancy Selections – Cultural Committee (6 seats available)

A Ballot vote was taken: Beverly Lussier 3-year seat, Myrtle Tolonen 3-year seat, Doreen Blaker 3-year seat, Geraldine Mantila 1-year seat, Annette Emery 1-year seat, and Nancy Pawlowski 1-year seat. (President Swartz declared one seat (for the elder) on a tie vote).

**MOTION MADE BY TONI J. MINTON TO APPROVE THE CULTURAL COMMITTEE APPOINTMENTS. SUPPORTED BY ISABELLE H. WELSH. NINE IN FAVOR (William E. Emery, 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), TWO OPPOSED (Eddy Edwards, Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Elizabeth Mayo stated her opposition: She feels in the event of a tie vote the Council body should re-vote.

**Lunch: 12:05 – 1:05 p.m.**

**Gary Loonsfoot, Sr. left at 12:05 p.m.**

**2<sup>nd</sup> Reading Proposed Ordinance 2011-02 to amend Title 10 of the Tribal Code to clarify the definition of the Home Territory – 1:00 p.m.**

President Swartz read the Legislative Process and Public Hearing Procedure. [See Legislative File]

Present:

President Swartz	Michael LaFernier, Sr.
William Emery, Vice President	Elizabeth “Chiz” Matthews
Susan LaFernier, Secretary	Elizabeth Mayo
Toni Minton, Assistant Secretary	Larry Denomie III, CEO
Jerry Lee Curtis	Peggy Minton
Fred Dakota	Bruce LaPointe
Eddy Edwards	

**Eddy Edwards returned from lunch at 1:09 p.m.**

No written comments were received. Susan LaFernier requested a smaller version of the map be attached to the amendment. President Swartz closed the 2<sup>nd</sup> Reading at 1:10 p.m. The 3<sup>rd</sup> Reading is scheduled for June 4, 2011 at 10:00 a.m.

8. Bruce LaPointe, Projects Manager –

- a) Amendment #1 Baraga Village Water Intake MOA Authorization for I.H.S. Project BE-08-F69 to construct water system and water intake improvements

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

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO TABLE THE MOA WITH THE VILLAGE OF BARAGA UNTIL NEXT WEEK FOR FURTHER REVIEW. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

- b) Request to Bid on State Plow Truck

**MOTION MADE BY EDDY EDWARDS TO APPROVE BRUCE LAPOINTE’S REQUEST TO BID ON A PLOW TRUCK; AMOUNT NOT TO EXCEED \$25,000.00. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFernier, Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Susan LaFERNIER stated her opposition: She is opposed because there is not enough information on the truck, year, etc.

J. Closed Session:

1. Bruce LaPointe, Projects Manager – Department of Public Works Staffing Issues
2. John Baker, Attorney
3. Robert D. Curtis, Substance Abuse Outpatient Program – Burnstick Contract
4. Robert Mudd, Baraga Casino General Manager – Concert Approval Addendum
5. Patricia Gerard, Pines Convenience Center Manager – Pines Issues
6. Denise Cadeau, House Manager - New Day In-house Promotion from Part-time to Full-time
7. President Swartz – Updates
8. Susan LaFERNIER, Secretary – Schedule Government Employee Grievance Hearing (Case #003-11)

**MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 1:50 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFERNIER, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), THREE OPPOSED (Eddy Edwards, Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

**Break: 2:12 – 2:25 p.m.**

**Fred Dakota left at 3:00 p.m.**

**Mike LaFERNIER, Sr. left at 3:01 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:15 P.M. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFERNIER, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Public Works Department Positions –

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE RESTRUCTURING OF THE OFFICE COORDINATOR POSITION, MOVING CLAYTON EKDAHL LATERALLY TO THE WAREHOUSE MANAGER TOOL CONTROL POSITION, AND PROMOTING JODY PITTSLEY TO THE FLEET MECHANIC POSITION. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), THREE OPPOSED (Susan J. LaFERNIER, Toni J. Minton, Isabelle H. Welsh), ABSTAINING - 0, THREE ABSENT (Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Byykkonen vs Tribal Council – Appellate Court

**MOTION MADE BY WILLIAM E. EMERY TO HAVE DORSEY FILE A MOTION TO DISMISS THE BYYKKONEN VS TRIBAL COUNCIL CASE APPEAL DUE TO THE LATE FILING. SUPPORTED BY JERRY LEE CURTIS. FOUR IN FAVOR (William E. Emery, Toni J. Minton, Jerry Lee Curtis, Elizabeth “Chiz” Matthews,), THREE OPPOSED (Eddy Edwards, Elizabeth D. Mayo, Isabelle H. Welsh), ONE ABSTAINING (Susan J. LaFernier), THREE ABSENT (Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), PRESIDENT SWARTZ OPPOSED WHICH CREATED A TIE VOTE, MOTION CARRIED.**

Susan LaFernier stated her abstention: She abstained because she testified in Court.

The case will go back to the Court for a decision.

Burnstick Contract For Service Approval – Don Burnstick is a certified drug and alcohol abuse counselor. Four half-day workshops and two one-hour Comedy Shows on July 18 – July 21 for \$12,400.00.

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE CONTRACT FOR SERVICES BETWEEN KBIC AND BURNSTICK PROMOTIONS FOR THE WORKSHOPS AND COMEDY SHOWS. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 4:20 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist