

# KEWEENAW BAY INDIAN COMMUNITY

## 2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President  
ELIZABETH D. MAYO, Vice-President  
SUSAN J. LAFERNIER, Secretary  
TONI J. MINTON, Assistant Secretary  
JENNIFER MISEGAN, Treasurer

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ROBERT R.D. CURTIS, JR.  
FRED DAKOTA  
JEAN JOKINEN  
MICHAEL F. LAFERNIER, SR.  
CAROLE L. LAPOINTE  
ELIZABETH "CHIZ" MATTHEWS  
DON MESSER, JR.

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
OJIBWA CASINO RESORT CONFERENCE ROOM  
THURSDAY – OCTOBER 17, 2013 – 9:00 A.M.**

**APPROVED**  
3-12-15

- A. Date: October 17, 2013
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 3:51 p.m.)  
Elizabeth D. Mayo, Vice President  
Susan J. LaFernier, Secretary  
Toni J. Minton, Assistant Secretary  
Jennifer Misegan, Treasurer  
Robert R.D. Curtis, Jr.  
Fred Dakota  
Jean Jokinen  
Michael F. LaFernier, Sr.  
Carole L. LaPointe  
Elizabeth "Chiz" Matthews (left 11:09 – 11:22 a.m., left at 3:03 p.m.)  
Don Messer, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 17, 2013
- Additions: Old Business- 9. Susan LaFernier, Secretary – Secretary's Report  
September 2013 Approval
- New Business- 1. Susan LaFernier, Secretary – b) Schedule Enterprise  
Employee Appeal of Termination Hearing  
1. President Swartz – c) Mining Update  
5. Larry Denomie III, CEO – b) Guaranteed Pricing Bids

**MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

G. Approval of Meeting Minutes:

1. September 27, 2012

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SEPTEMBER 27, 2012 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ABSENT - 0, MOTION CARRIED.**

H. Old Business:

1. Kim Klopstein – Holiday Turkey/Ham Clarification

Gift cards from Larry’s Market and Pat’s Foods will be distributed for Thanksgiving turkeys and Christmas hams for employees and committee members unless a department chooses to distribute their own.

2. Larry Denomie III, CEO –

- a) Community Assistance Programs Guidelines to support the essential needs of KBIC members and their families

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE COMMUNITY ASSISTANCE PROGRAMS GUIDELINES AND CORRECT THE GRAMMATICAL ERRORS, EFFECTIVE FISCAL YEAR 2014. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Jean Jokinen stated her opposition: She is opposed because the services are out of the territory area in our constitution and this provides funding to non-natives and descendents.

**President Swartz left at 9:52 a.m.**

b) KBIC Youth Program Activity Fund Guidelines -

**MOTION MADE BY JENNIFER MISEGAN TO TABLE THE KBIC YOUTH PROGRAM ACTIVITY FUND GUIDELINES UNTIL LATER IN THE MEETING. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

3. President Swartz (not present) /Vice President Mayo – Suspensions of Committee By-Laws. There is no funding allocated for these committees for this year. It was stated that the Parks and Recreation Committee is doing fundraising for playground equipment and researching funding for the Lighthouse renovation.

**President Swartz returned at 10:04 a.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO SUSPEND THE ECONOMIC DEVELOPMENT, NATURAL RESOURCES, PARKS AND RECREATION, AND ALCOHOL ADVISORY COMMITTEES. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), TWO OPPOSED (Susan J. LaFernier, Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**Break: 10:10 – 10:26 a.m.**

4. Vice President Mayo – Annual Raise Effective Date

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A THREE PERCENT RAISE FOR FY2014 FOR ALL GOVERNMENTAL AND ENTERPRISE EMPLOYEES EXCEPT THOSE WHOSE INCREASES ARE IDENTIFIED IN THEIR CONTRACT OR ARE SERVING IN INTERIM, TEMPORARY OR ON-CALL POSITIONS, EFFECTIVE ON THEIR ANNIVERSARY DATE. EMPLOYEES HIRED ON OR AFTER OCTOBER 1, 2008 HAVE AN EFFECTIVE DATE OF THE MONTH AND DATE THEY WERE HIRED IN THEIR CURRENT POSITION AND EMPLOYEES HIRED PRIOR TO OCTOBER 1, 2008 IN THEIR CURRENT POSITION HAVE AN EFFECTIVE DATE OF OCTOBER 1. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Jean Jokinen stated her opposition: She is opposed because the lawyer received a 6% raise and the employees are only receiving 3%.

5. Jennifer Misegan, Enrollment/Motor Vehicle Director –

a) License Plates-Registrations/Titling Fees (to cover the cost of materials)

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AN INCREASE TO THE TITLE AND DUPLICATE TITLE FEES FROM \$15.00 TO \$22.00. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**MOTION MADE BY FRED DAKOTA TO APPROVE THE RECOMMENDATION TO INCREASE THE LICENSE PLATES AND REGISTRATION FEES AS PRESENTED. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Jean Jokinen stated her opposition: She would like the fees free for elders.

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE AN INCREASE TO THE HUNTING, FISHING, TRAPPING FEE FROM \$10.00 TO \$15.00, THE SENIORS FROM \$1.00 TO \$5.00, THE MINIMUM COST TO A VISITOR \$15.00, AND A REPLACEMENT CARD \$10.00. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Don Messer, Jr.), FIVE OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Jean Jokinen stated her opposition: She feels we should not have to pay to exercise our treaty rights and she is opposed to increasing costs to elders.

b) Christmas Gift Check

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$1,900.00 FOR THE CHRISTMAS GIFT CHECKS. CO-SUPPORTED BY MICHAEL F. LAFERNIER, SR. AND ROBERT R.D. CURTIS, JR.**

Fred Dakota stated he would like to call them “Sovereignty Checks” as he feels that is what they represent. R.D. Curtis withdrew his co-support.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$1,900.00 FOR THE SOVEREIGNTY CHECKS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

RD Curtis stated he withdrew his co-support because he feels we should have named them Sovereignty Checks from the beginning.

6. Debra Picciano, TERO Director – Pre-Employment/Job Readiness Fund Policy

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE KBIC TERO PRE-EMPLOYMENT/JOB READINESS FUND POLICY AND TO INCLUDE THE CHANGES DISCUSSED OF INCREASING THE AMOUNT TO \$150.00, THE FUNDING IS AVAILABLE ONCE EVERY THREE YEARS, AND DEFINE THE SERVICE AREA AS BARAGA COUNTY AND THE MARQUETTE TRUST PROPERTY. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

7. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager – Kirkish Furniture Services Agreement (Tier II) for the Baraga Casino carpeting

**MOTION MADE BY DON MESSER, JR. TO APPROVE THE CARPETING SERVICES AGREEMENT TIER II BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND KIRKISH FURNITURE. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**Break: 11:09 – 11:20 a.m.**

**Elizabeth Matthews left 11:09 – 11:22 a.m.**

8. Lori Sherman, NRD Director/Micah Petoskey, Water Resources Specialist/Charles Brumleve, Mining Specialist – U.S. Geological Survey Joint Funding Agreement FY2014

**MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE USGS JOINT FUNDING AGREEMENT FOR WATER RESOURCES INVESTIGATIONS FOR FY2014 FOR THE CONTINUED OPERATION AND MAINTENANCE OF STREAMGAGING STATION AND WATER QUALITY MONITOR WITH SPECIFIC CONDUCTANCE AND WATER TEMPERATURE SENSORS ON THE YELLOW DOG AND EAST BRANCH SALMON TROUT RIVERS AND THE OPERATION OF A CONTINUOUS RECORD STREAMGAGING STATION AND WATER QUALITY MONITOR WITH WATER TEMPERATURE SENSOR ON THE SALMON TROUT RIVER IN MICHIGAN. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

GLIFWC Memorandum of Agreement – They will pay, on behalf of the Tribe, to the USGS the amount of the Tribe’s contribution of \$42,150.00 for one year for the stream gauges

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION AND THE KEWEENAW BAY INDIAN COMMUNITY RELATED TO THE USGS JOINT FUNDING AGREEMENT. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jean Jokinen), MOTION CARRIED.**

9. President Swartz – Mining Update (BIC Site)

President Swartz informed the Council that Rio Tinto is in the process of covering the 11 holes dug on Indian Road and filling them with concrete. They are taking the water from the holes and placing it in a holding tank for testing.

Rio Tinto intends to transfer their mineral rights on the Reservation to KBIC. President Swartz requested they submit a Press Release with their intentions.

10. Susan LaFernier, Secretary – Secretary’s Report September 2013

**MOTION MADE BY TONI J. MINTON TO APPROVE THE SEPTEMBER 2013 SECRETARY’S REPORT. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ABSENT - 0, MOTION CARRIED.**

1. New Business:

1. Susan LaFernier, Secretary –

- a) Charles Brumleve, Mining Specialist/Jessica Koski, NRD Mining Technical Assistant – 1<sup>st</sup> Reading Proposed Ordinance 2013-04 Tribal Code Title Twenty Natural Resources Chapter 20B - KBIC Mining Moratorium. The purpose of the proposed ordinance is to prohibit metal mineral exploration and mining activities within the Reservation Environment for a period of five years.

President Swartz read the Legislative Process.

**MOTION MADE BY SUSAN J. LAFERNIER TO INTRODUCE PROPOSED ORDINANCE 2013-04 TRIBAL CODE TITLE TWENTY NATURAL RESOURCES CHAPTER 20B KBIC MINING MORATORIUM AND WAIVE THE READING. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

The 2<sup>nd</sup> Reading was scheduled to be held on November 21, 2013 at 1:00 p.m.

b) Schedule Enterprise Employee Appeal of Termination Hearing

The hearing was scheduled for October 31, 2013 at 1:00 p.m. (Case #005-13)

**Lunch: 12:00 – 1:08 p.m.**

[Closed Session]

1. Government Employee Appeal of Termination Hearing Case #004-13

**MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 1:09 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 2:12 P.M. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**Break: 2:13 – 2:20 p.m.**

[New Business]

2. Diana Chaudier, Election Board Chair – Alternate Election Board Members

**MOTION MADE BY ELIZABETH D. MAYO TO APPOINT CODY BLUE AND DON CARLSON AS THE ALTERNATES FOR BOTH THE PRIMARY AND GENERAL ELECTIONS AND LAURI DENOMIE AS AN ALTERNATE FOR THE PRIMARY ELECTION. SUPPORTED BY JEAN JOKINEN. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

3. Jason Ayres, Realty Officer – Resolution KB-1952-2013 Mark J. Misegan Recreational Lease

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1952-2013 MARK J. MISEGAN RECREATIONAL LEASE. SUPPORTED BY ROBERT R.D. CURTIS, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

4. Bruce LaPointe, Projects Manager –

a) Board of County Road Commissioners for the County of Baraga Project Agreements

i. Wadaga Road/Tailor Road - The preliminary engineering services are already completed not to exceed \$10,000.00

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE PROJECT AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE BOARD OF COUNTY ROAD COMMISSIONERS FOR THE COUNTY OF BARAGA FOR WADAGA AND TAILOR ROADS. SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Susan J. LaFernier), TWO ABSTAINING (Jennifer Misegan, Jean Jokinen), ABSENT - 0, MOTION CARRIED.**

ii. Skanee Road - Engineering and construction work for the replacement of the Skanee Road Bridge crossing the Ravine River not to exceed \$25,000.00

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE PROJECT AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE BOARD OF COUNTY ROAD COMMISSIONERS FOR THE COUNTY OF BARAGA FOR SKANEE ROAD. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Susan J. LaFernier), ONE ABSTAINING (Jennifer Misegan), ABSENT - 0, MOTION CARRIED.**

iii. Menge Creek Road-Engineering and construction work for the replacement of the two existing bridges crossing Menge Creek not to exceed \$54,000.00

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE PROJECT AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE BOARD OF COUNTY ROAD COMMISSIONERS FOR THE COUNTY OF BARAGA FOR MENGE CREEK ROAD. SUPPORTED BY DON MESSER, JR. NINE IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Susan J. LaFernier), ONE ABSTAINING (Jennifer Misegan), ABSENT - 0, MOTION CARRIED.**



- iv. Indian Road - Engineering and construction work with the NRCS (Natural Resource Conservation Service) for the replacement of existing culverts at Denomme Creek, Roubillard Creek, North Branch of Gomanche Creek, and South Branch of Gomanche Creek not to exceed \$15,000.00

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE PROJECT AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE BOARD OF COUNTY ROAD COMMISSIONERS FOR THE COUNTY OF BARAGA FOR INDIAN ROAD. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), ONE OPPOSED (Susan J. LaFernier), ONE ABSTAINING (Jennifer Misegan), ABSENT - 0, MOTION CARRIED.**

- b) L'Anse Furniture Mart Services Agreement (Tier II) for carpeting and vinyl flooring removal and installation at the KBIC Head Start which is complete. A motion was made on September 26, 2013 for \$16,521.00

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE SERVICES AGREEMENT TIER II BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND L'ANSE FURNITURE MART IN THE AMOUNT OF \$13,935.00. SUPPORTED BY DON MESSER, JR. SEVEN IN FAVOR (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), FOUR OPPOSED (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

David Haataja/Dale Shalifoe/Barb Mayo – Kirkish Furniture Carpeting Services Agreement for the Baraga Casino

Amendments to section 2. a) change the date to January 31, 2014, amend section 6 to include b) and to amend B under Fee Schedule iii change the date to January 31, 2014, and insert "for the final phase of the project."

**MOTION MADE BY ELIZABETH D. MAYO TO AMEND THE CARPETING SERVICES AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND KIRKISH FURNITURE. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**Elizabeth Matthews left at 3:03 p.m.**

5. Larry Denomie III, CEO –

- a) Weekly Update
- b) Guaranteed LP (propane) Pricing Bids (2) November 2013-May 2014

**MOTION MADE BY JEAN JOKINEN TO APPROVE THE BID FROM LACOURT BOTTLED GAS COMPANY FOR GUARANTEED LP PRICING OF \$1.60 PER GALLON. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

Government Employee Appeal of Termination Hearing Case #004-13 –

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO UPHOLD THE ASSISTANT CEO’S DETERMINATION IN CASE #004-13. SUPPORTED BY CAROLE L. LAPOINTE. FOUR IN FAVOR (Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFERNIER, Sr., Carole L. LaPointe), FIVE OPPOSED (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Don Messer, Jr.), ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION DEFEATED.**

**MOTION MADE BY ELIZABETH D. MAYO TO OVERTURN THE ASSISTANT CEO’S DETERMINATION REGARDING THE APPEAL OF TERMINATION IN CASE #004-13 TO REINSTATE HER AND TO EXTEND AN ADDITIONAL NINETY DAY PROBATIONARY PERIOD EFFECTIVE TODAY. SUPPORTED BY DON MESSER, JR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Jean Jokinen, Don Messer, Jr.), THREE OPPOSED (Robert R.D. Curtis, Jr., Michael F. LaFERNIER, Sr., Carole L. LaPointe), ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

KBIC Youth Program Activity Fund Guidelines –

**MOTION MADE BY JEAN JOKINEN TO TABLE THE KBIC YOUTH PROGRAM ACTIVITY FUND GUIDELINES UNTIL NEXT THURSDAY. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Don Messer, Jr.), THREE OPPOSED (Elizabeth D. Mayo, Toni J. Minton, Carole L. LaPointe), ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

Elizabeth Mayo stated her opposition: She is opposed to tabling because there are people waiting to utilize the activity fund.

J. Closed Session:

2. Lindy Grell, Tribal Attorney – Eagle Mine Wastewater Permit Update
3. Jacqueline Swartz – Hiring Procedure Discrepancy

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO GO INTO CLOSED SESSION AT 3:22 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFERNIER, Sr., Carole L. LaPointe), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.**

**President Swartz left at 3:51 p.m.**

Vice President Mayo is chairing the meeting.

**MOTION MADE BY JEAN JOKINEN TO GO INTO OPEN SESSION AT 4:09 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.**

Ojibwa Casinos Marketing Manager Position -

**MOTION MADE BY JEAN JOKINEN, IN THE SPIRIT OF BEING FAIR TO ALL TRIBAL MEMBERS AND DUE TO THE URGENCY OF THIS POSITION BEING FILLED, TO OFFER THE JOB OF MARKETING MANAGER TO THE ONLY INTERESTED KBIC TRIBAL MEMBER APPLICANT, JACQUELINE SWARTZ. SUPPORTED BY ROBERT R.D. CURTIS, JR. SIX IN FAVOR (Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), TWO OPPOSED (Susan J. LaFERNIER, Jennifer Misegan), ONE ABSTAINING (Toni J. Minton), TWO ABSENT (Warren C. Swartz, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.**

Jennifer Misegan stated her opposition: She is opposed because it was being reposted.

Susan LaFERNIER stated her opposition: She is opposed because the Council was not involved with the interviews and it was being reposted with changed qualifications.

Toni Minton stated her abstention: She is abstaining because she did not participate in the interviews.

K. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:12 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Elizabeth "Chiz" Matthews), MOTION CARRIED.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Peggy Loonsfoot".

Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**OJIBWA CASINO RESORT CONFERENCE ROOM**  
**THURSDAY – OCTOBER 17, 2013 – 9:00 A.M.**

- A. Date: October 17, 2013
- B. Call to Order:
- C. Invocation: Lord's Prayer
- D. Roll Call:
- \_\_\_ Warren C. Swartz, Jr., President
  - \_\_\_ Elizabeth D. Mayo, Vice President
  - \_\_\_ Susan J. LaFerner, Secretary
  - \_\_\_ Toni J. Minton, Assistant Secretary
  - \_\_\_ Jennifer Misegan, Treasurer
  - \_\_\_ Robert R.D. Curtis, Jr.
  - \_\_\_ Fred Dakota
  - \_\_\_ Jean Jokinen
  - \_\_\_ Michael F. LaFerner, Sr.
  - \_\_\_ Carole L. LaPointe
  - \_\_\_ Elizabeth "Chiz" Matthews
  - \_\_\_ Don Messer, Jr.
- E. Declaration of Quorum:
- F. Approval of Agenda: October 17, 2013
- G. For Your Information:
- II. Approval of Meeting Minutes:
- 1. September 27, 2012
- I. Old Business:
- 1. Kim Klopstein – Holiday Turkey/Ham Clarification
  - 2. Larry Denomie III, CEO –
    - a) Community Assistance Programs Guidelines
    - b) KBIC Youth Programs Activity Fund Guidelines
  - 3. President Swartz – Suspensions of Committee By-Laws
  - 4. Vice President Mayo – Annual Raise Effective Date
  - 5. Jennifer Misegan, Enrollment/Motor Vehicle Director –
    - a) License Plates/Titling Fees
    - b) Christmas Gift Check

6. Debra Picciano, TERO Director – Pre-Employment/Job Readiness Fund Policy
7. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager – Kirkish Furniture Carpeting Services Agreement (Tier II)
8. Lori Sherman, NRD Director/Micah Petoskey, Water Resources Specialist/Charles Brumleve, Mining Specialist – USGS Joint Funding Agreement FY2014

J. New Business:

1. Susan LaFemier, Secretary/Charles Brumleve, Mining Specialist/Jessica Koski, NRD Mining Technical Assistant – 1<sup>st</sup> Reading Proposed Ordinance 2013-04 KBIC Mining Moratorium
2. Diana Chaudier, Election Board Chair – Alternate Election Board Members
3. Jason Ayres, Realty Officer – Resolution KB-1952-2013 Mark J. Misegan Recreational Lease
4. Bruce LaPointe, Projects Manager –
  - a) L'Anse Furniture Mart Services Agreement (Tier II)
  - b) Board of County Road Commissioners for the County of Baraga Project Agreements
    - i. Wadaga Road/Tailor Road
    - ii. Skanee Road
    - iii. Menge Creek Road
    - iv. Indian Road
5. Larry Denomie III, CEO – Weekly Update

K. Closed Session:

1. Lindy Grell, Tribal Attorney – Eagle Mine Wastewater Permit Update
2. Jacqueline Swartz – Hiring Procedure Discrepancy
3. Government Employee Appeal of Termination Hearing Case #004-13 – **1:00 p.m.**

L. Adjournment: