

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – DECEMBER 3, 2009 – 9:00 A.M.**

- A. Date: December 3, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:14 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 9:39 a.m.)  
Susan J. LaFernier, Vice President  
Toni J. Minton, Secretary  
Jennifer Misegan, Treasurer  
Jerry Lee Curtis  
Fred Dakota (left 10:23 – 10:54 a.m., left 12:07 – 1:53 p.m.)  
Michael F. LaFernier, Sr. (arrived at 9:31 a.m., left 11:37 a.m. – 1:15 p.m.)  
Gary F. Loonsfoot, Sr.  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo (arrived at 9:24 a.m., left 2:41 – 3:26 p.m.)  
Isabelle Helene Welsh (arrived at 9:22 a.m.)
- Absent: William E. Emery, Assistant Secretary
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 3, 2009
- Additions: Old Business- 1. d) Larry Denomie/Susan LaFernier – Zero Tolerance for Theft Policy Amendment  
FYI- 3. President Swartz – GLIFWC Memorandum

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (William E. Emery, Jennifer Misegan, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

(Jennifer Misegan out of the room)

G. For Your Information:

1. A letter from Senator Debbie Stabenow for Grant Funding Opportunities - \$475 Million in Funding for Great Lakes Restoration Initiative
2. Health Board Minutes August, September and October 2009
3. GLIFWC Memorandum to VOIGT Intertribal Task Force – Stipulation for Technical management and other updates. Second Amendment of Stipulations Inc. into Final Judgment for 3 issue sets: Boating Safety Regulations, Hunting on Private Land Violations, and Meetings of the Agency Leadership.

**Isabelle Welsh arrived at 9:22 a.m.**

**Elizabeth Mayo arrived at 9:24 a.m.**

H. Approval of Meeting Minutes:

1. July 11, 2009

**MOTION MADE BY FRED DAKOTA TO APPROVE THE JULY 11, 2009 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Jennifer Misegan, Michael F. LaFernier, Sr.), MOTION CARRIED.**

(Jennifer Misegan out of the room)

2. July 14, 2009

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE JULY 14, 2009 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (William E. Emery, Michael F. LaFernier, Sr.), MOTION CARRIED.**

**Mike LaFernier, Sr. arrived at 9:31 a.m.**

I. Old Business:

1. Larry Denomie III, CEO –
  - a) Commercial Fee Schedule for Building Permits – Larry requested additional time to meet with Joe Brazeau, Building Inspector.

- b) Electrical Hook-up Cost Proposal for three members who are living without electricity – Gary Loonsfoot, Sr. stated that OHA is working with these members. Two have been approved for \$2,400.00 and Gary will return with the Housing information later today.

**President Swartz left at 9:39 a.m.** (VOIGT Task Force Meeting at LVD)

Vice President Susan LaFERNIER chaired the meeting.

- c) Susan LaFERNIER – “24.1 Zero Tolerance for Theft” Proposed Amendment to Personnel Policies – After discussion, the Council would like to have a work session on this issue with a judge and attorney after recommendations from the department heads. The entire disciplinary section also needs to be reviewed.

**Fred Dakota left at 10:23 – 10:54 a.m.**

**Break: 10:41 – 10:54 a.m.**

- d) Government Employee Appeal of Termination Hearing Case Determination #016-09

**MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE DECISION OF THE CEO MADE ON THE TERMINATION IN CASE #016-09. SUPPORTED BY ISABELLE H. WELSH. FIVE IN FAVOR (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), THREE OPPOSED (Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Warren C. Swartz, Jr., William E. Emery), MOTION CARRIED.**

J. New Business:

1. Lola Mariacher, President, Baraga County Regional Interagency Consumer Committee (RICC)/Mick Sheridan, Program Manager/Hannah Misegan – RICC Christmas Party Request for \$500.00 for a turkey dinner and dancing. The date is to be announced and the Council is invited.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A \$1,000.00 DONATION TO THE BARAGA COUNTY REGIONAL INTERAGENCY CONSUMER COMMITTEE FOR THEIR CHRISTMAS PARTY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Isabelle H. Welsh), TWO ABSENT (Warren C. Swartz, Jr., William E. Emery), MOTION CARRIED.**

[Return to Old Business]

2. Susan LaFerner/Fred Dakota – Seniors Christmas Party Request – Baraga and Marquette

**MOTION MADE BY JENNIFER MISEGAN TO GIVE BARAGA SENIORS \$5,000.00 AND THE MARQUETTE SENIORS \$1,600.00 FOR THEIR CHRISTMAS PARTIES AND TO GIVE EACH SENIOR A \$25.00 SHOPKO GIFT CARD IN BOTH COUNTIES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, 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, TWO ABSENT (Warren C. Swartz, Jr., William E. Emery), MOTION CARRIED.**

3. Jennifer Misegan - Ethics Code Review

MOTION MADE BY ELIZABETH D. MAYO TO MOVE THIS TOPIC TO THE END OF THE MEETING. SUPPORTED BY MICHAEL F. LAFERNIER, SR.

Vice President LaFerner declared the motion out of order.

**Mike LaFerner, Sr. left at 11:37 a.m.**

John Baker present – Review began on chapter 3, page 18, #4 (Discussion)

**MOTION MADE BY FRED DAKOTA TO TABLE THE ETHICS CODE REVIEW UNTIL AFTER THE ELECTION. SUPPORTED BY ELIZABETH D. MAYO. FOUR IN FAVOR (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), FOUR OPPOSED (Toni J. Minton, Jennifer Misegan, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Michael F. LaFerner, Sr.), TIE VOTE. SUSAN LAFERNIER VOTES IN FAVOR, MOTION CARRIED.**

[Return to New Business]

2. Dawn Gauthier, Commodity Center/Clayton Ekdahl – Bids (3) for Roof Repair and Bids (3) for Walk in Cooler

Commodity Foods Center Bid Approval for Roof Repair –

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BID FROM LYNDON EKDAHL, PENDING THE INSURANCE CERTIFICATE VERIFICATION FROM WOLVERINE BUILDING AND CONTRACTING INC. IN THE AMOUNT OF \$7,366.00. SUPPORTED BY JERRY LEE CURTIS. SEVEN IN FAVOR (Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.**

(Gary Loonsfoot, Sr. out of the room)

Commodity Foods Center Bid Approval for Walk in Cooler –

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BID FROM SID HARVEY’S FOR THE WALK IN COOLER IN THE AMOUNT OF \$6,990.34. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Michael F. LaFerner, Sr.), MOTION CARRIED.**

**Lunch: 12:07 – 1:15 p.m.**

**Mike LaFerner, Sr. returned at 1:15 p.m.**

**Gary Loonsfoot, Sr. returned at 1:18 p.m.**

**Elizabeth Mayo returned at 1:19 p.m.**

3. David Haataja, Marquette Casino Manager/Jackie Skytta, Marketing Manager – Bids (3) for 15 Passenger Van. The detailing will be an additional cost.

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE BID FROM FOX MOTORS FOR A 2010 FORD VAN E350 IN THE AMOUNT OF \$24,086.00 AND TO INCLUDE THE DETAILING. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Fred Dakota), MOTION CARRIED.**

4. President Swartz [Not Present] – “U.S. Congress and You” educational civic DVD with Bob Schieffer from CBS News

**MOTION MADE BY ELIZABETH D. MAYO TO DENY THE REQUEST FROM THE COMMITTEE FOR CITIZENS AWARENESS FOR THE CONGRESS DVD WITH BOB SCHIEFFER FROM CBS NEWS. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Fred Dakota), MOTION CARRIED.**

5. Diana Chaudier, Election Chair/Debbie Parrish – General Election – Diana gave the Council an update regarding the withdrawal of Debbie’s name from the General Election in December and then her decision to pull her withdrawal letter. There is no withdrawal process in the ordinance. Debbie stated that the Higher Learning Commission (Mary Breslin’s) statement that she could not run for Council was an opinion and it is not a policy. Debra Parrish is still a nominee for the Tribal Council in the Baraga District.

K. Closed Session:

1. Marty Curtis, Counselor/Admissions, Denise Cadeau, House Manager – Hiring Procedures for New Day
2. Marty Curtis – Emergency Funding Eligibility Concerns
3. John Baker, Attorney/Gregg Nominelli, Economic Developer
4. Larry Denomie III, CEO - Pines Equipment Purchase Amendment and Contract Approval
5. Jennifer Misegan, Treasurer – Donations

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:40 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Toni J. Minton, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Fred Dakota), MOTION CARRIED.**

**Fred Dakota returned from lunch 1:53 p.m.**

**Break: 2:41 – 2:57 p.m.**

**Elizabeth Mayo left 2:41 – 3:26 p.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:25 P.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, 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, TWO ABSENT (Warren C. Swartz, Jr., William E. Emery), MOTION CARRIED.**

New Day Drug Testing –

**MOTION MADE BY JENNIFER MISEGAN TO RESUME RANDOM DRUG TESTING AT NEW DAY TREATMENT CENTER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, 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, TWO ABSENT (Warren C. Swartz, Jr., William E. Emery), MOTION CARRIED.**

Pines Additional Cash Register –

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$5,535.00 FOR A THIRD CASH REGISTER AT THE PINES TO GO WITH THE NORTHWEST PETROLEUM UPGRADE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, 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, TWO ABSENT (Warren C. Swartz, Jr., William E. Emery), MOTION CARRIED.**

Donations November 2009 –

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FOLLOWING DONATIONS: BART STUPAK \$1,000.00, AMERICAN CANCER SOCIETY \$5,000.00, EAGLES LADIES AUXILIARY \$500.00 AND \$2,000.00 FOR THE KBIC SOCIAL SERVICES FOR FOSTER CHILDREN. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, 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, TWO ABSENT (Warren C. Swartz, Jr., William E. Emery), MOTION CARRIED.**

L. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:30 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Toni J. Minton, Jennifer Misegan, 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, TWO ABSENT (Warren C. Swartz, Jr., William E. Emery), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist