

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JULY 16, 2009 – 9:00 A.M.**

- A. Date: July 16, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:03 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFERNIER, Vice-President
Toni J. Minton, Secretary (left at 1:05 p.m.)
William E. Emery, Assistant Secretary (left at 4:30 p.m.)
Jennifer Misegan, Treasurer (arrived at 2:12 p.m.)
Fred Dakota
Michael F. LaFERNIER, Sr. (arrived at 10:00 a.m., left 1:05 – 2:20 p.m.,
left 3:50 – 4:22 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo
Isabelle Helene Welsh (arrived at 9:41 a.m.)
- Absent: Jerry Lee Curtis
Gary F. Loonsfoot, Sr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: July 16, 2009

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

G. For Your Information:

1. A copy of the VOIGT Task Force Meeting Minutes from 06/10/09 Lac Du Flambeau, WI
2. Gaming Commission Meeting Minutes from 06/09/09 and 06/23/09

H. Approval of Meeting Minutes:

1. March 12, 2009

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MARCH 12, 2009 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY WILLIAM E. EMERY. FOUR IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Fred Dakota, Elizabeth “Chiz” Matthews), FIVE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

2. March 19, 2009

MOTION MADE BY FRED DAKOTA TO APPROVE THE MARCH 19, 2009 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

3. March 20, 2009

MOTION MADE BY FRED DAKOTA TO APPROVE THE MARCH 20, 2009 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

4. March 26, 2009

MOTION MADE BY TONI J. MINTON TO APPROVE THE MARCH 26, 2009 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FOUR IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Fred Dakota, Elizabeth D. Mayo), FIVE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

J. New Business:

1. Todd Warner, NRD –

- a) Clean Sweep 2009 Household Hazardous Waste Collection Event in August Contractor Selection - A request for proposals was sent to solicit bids to seven contractors and two bids were received. Preference is for WRR, Environmental Services Co., Inc.

MOTION MADE BY WILLIAM E. EMERY TO ACCEPT THE BID OF WRR ENVIRONMENTAL SERVICES CO., INC. IN THE AMOUNT OF \$3,621.40. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

- b) Well Abandonment Contractor Selection – 13 wells have been identified for abandonment. A request for proposal on the reservation was sent to solicit bids to three contractors and two bids were received.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE LARSON PUMP CO., LLC FOR THE 2009 WELL ABANDONEMENTS IN THE AMOUNT OF \$19,000.00. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

Isabelle Welsh arrived at 9:41 a.m.

- c) 2009 Kids Derby Report (In Honor of the Tiosh Family Past and Present)– 288 kids registered, approximately 450 fish were stocked in the pond and 26 were caught and registered along with 9 turtles. \$9,000.00 was received in donations. (Including \$3,000.00 from the general fund). The approximate cost per kid was \$31.25. They may need a part-time temporary secretary to coordinate the event for next year to do letters, shopping, etc.
- d) 2009 Brook Trout Stocking – 28,000 were stocked. Todd provided a list of stocking locations on and near the reservation. He also gave a report on the summary of trout stocking from 1993 – 2008.

2. Judy Heath, Social Services – Resolution KB-1696-2009 Title IV-B Grants Subpart 1 and 2 – ¼ Cash Match

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1696-2009 TITLE IV-B GRANTS. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Isabelle H. Welsh), FOUR ABSENT (Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Mike LaFerner, Sr. arrived at 10:00 a.m.

President Swartz announced the arrival of George Roman, U.S. Census Bureau Tribal Liaison. George stated he was checking in with our Tribal liaisons, Robin Chosa and Pauline Spruce. He informed the Council that another hiring push is coming in early Fall. Those who have taken the exam can re-apply. The form is coming to households in March 2010. Tee shirts were presented to the Council.

K. Closed Session:

1. Government Employee Appeal of Termination Hearing for Case #015-09
2. Tom Chosa, IT Department Head Update [Rescheduled]
3. Natural Resource Committee Update
4. Derek Sever, Radio Station Manager
5. Dawn Gauthier, Commodity Foods – Department Head Update [Rescheduled]
6. Larry Denomie III, CEO

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:20 A.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 10:46 – 11:19 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 12:58 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Elizabeth Mayo left at 12:59 p.m.

Government Employee Appeal of Termination Hearing for Case #015-09 –

MOTION MADE BY ISABELLE H. WELSH TO OVERTURN THE DECISION IN GOVERNMENT EMPLOYEE APPEAL OF TERMINATION HEARING CASE #015-09 WITH NO BACK-PAY OR BENEFITS, SIX MONTHS PROBATION, MANDATORY EAP COUNSELING FOR CUSTOMER SERVICE AND INTERNET USE AND SUCCESSFULLY COMPLETE THE RECOMMENDATIONS OF THE EAP BEFORE THE TERMINATION IS TO BE REMOVED FROM THE EMPLOYEE’S FILE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFERNIER, William E. Emery, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Toni J. Minton), ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Toni Minton left at 1:05 p.m.

Lunch: 1:05 – 2:12 p.m.

Jennifer Misegan arrived at 2:12 p.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 2:13 P.M. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (Susan J. LaFERNIER, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Mike LaFERNIER, Sr. returned from lunch at 2:20 p.m.

Break: 313 – 3:27 p.m.

Mike LaFERNIER, Sr. left 3:50 – 4:22 p.m.

William Emery left at 4:30 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 5:00 P.M. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

MOTION MADE BY JENNIFER MISEGAN TO GO FORWARD WITH THE NEWS PROGRAM FOR THE RADIO STATIONS AND HAVE THE GENERAL MANAGER TEMPORARILY APPOINT A NEWS DIRECTOR AND DEVELOP A JOB DESCRIPTION FOR THE NEWS DIRECTOR. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 5:01 P.M. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist