

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – SEPTEMBER 24, 2009 – 9:00 A.M.**

- A. Date: September 24, 2009
- B. Call to Order: Vice-President LaFernier called the meeting to order at 9:10 a.m.
- C. Invocation: Lord’s Prayer and prayers for Jerry Swartz with his surgery tomorrow and for Chris Swartz who is traveling to be with his father
- D. Roll Call: Present: Susan J. LaFernier, Vice-President  
Toni J. Minton, Secretary  
William E. Emery, Assistant Secretary  
Jennifer Misegan, Treasurer  
Jerry Lee Curtis  
Fred Dakota  
Michael F. LaFernier, Sr. (arrived at 9:42 a.m.)  
Gary F. Loonsfoot, Sr. (left at 2:50 p.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo (left at 2:50 p.m.)  
Isabelle Helene Welsh (arrived at 9:27 a.m., left at 3:15 p.m.)  
Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice-President LaFernier declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 24, 2009
- |            |               |  |
|------------|---------------|--|
| Deletion:  | New Business- | 2. Eddy Edwards, OHA – CDFI Donation Request |
| Additions: | New Business- | 5. Jerry Lee Curtis – Request                |
|            |               | 6. Brad Dakota – Tribal Seals                |

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Michael F. LaFernier, Sr., Isabelle H. Welsh), MOTION CARRIED.**

Vice-President LaFernier announced that a Tribal member called her about big heavy trucks using the Pinery Cemetery as a turn-around during the paring process. Doug Mills from the Road Commission assured her that he will take care of any and all damage done. Doug was upset and said it was disrespectful.

G. For Your Information:

1. Employee Wellness Survey Results – Healthy Choices in the Vending Machines was one main suggestion
2. Phone Poll Emergency Request for Jean Rolof, Keith Rolof and Robin Roe on 9/18/09 – approved for \$300.00 each for medical travel to the Mayo Clinic for Jerry Swartz.
3. Review Draft Resolution KB-1713-2009 regarding regulation of off-reservation Hunting, Fishing, Trapping and Gathering in the KBIC Home Territory located in the 1842 ceded territory
4. Pinery Fire Annual Accomplishment Report – Emergency Stabilization Plan Michigan Agency
5. Tribal Self Governance Advisory Committee Primary Representative for Bemidji Area – Susan LaFernier will volunteer to put her name in.

**Isabelle Welsh arrived at 9:27 a.m.**

6. Off-Reservation Fee-to-Trust Acquisitions for Non-Gaming Purposes: The Office of the Assistant Secretary – Indian Affairs will no longer review decision analysis prepared by the BIA regions
7. Susan LaFernier - Poisoned Eagle and Deer Incident Memo. The case is currently closed since there were no leads or suspects
8. A Copy of the Gaming Commission Minutes from 08/11/09 and 08/25/09
9. Jennifer Misegan, Treasurer – The Government Performance and Results Act and the Department of the Interior handout from Michael Hughes, Consultant on Indian Affairs. Larry Denomie and Sarah Smith will work on the letter regarding GPRA and DOI Strategic Plan

H. Old Business:

1. Jennifer Misegan/Jeanne Kauppila –

**Mike LaFernier, Sr. arrived at 9:42 a.m.**

- a) Questions regarding Motorcycle Sales Tax Reimbursement

**MOTION MADE BY FRED DAKOTA THAT THE TRIBE REIMBURSE TRIBAL MEMBERS FOR REGISTERED MOTORCYCLES, THE SAME AS CARS, IF THEIR NAME IS ON THE TITLE BEGINNING WITH THE SAME TIME PERIOD AS VEHICLES, JANUARY 1, 2000. SUPPORTED BY ISABELLE H. WELSH. SEVEN IN FAVOR (William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), THREE OPPOSED (Toni J. Minton, Jennifer Misegan, Gary F. Loonsfoot, Sr.), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

b) Veteran's Plate

**MOTION MADE BY JENNIFER MISEGAN TO ISSUE EACH VETERAN ONE VETERAN PLATE FOR ONE VEHICLE AT NO COST. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Toni J. Minton, William E. Emery, 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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

I. New Business:

1. Jim Nardi – Drug Free Work Place Policy – A memo was received from Heather Chapman, Tribal Assistant Attorney regarding Medicinal Use of Marijuana

**MOTION MADE BY FRED DAKOTA THAT THE MICHIGAN MEDICINAL MARIJUANA ACT IS NOT APPLICABLE ON THE KEWEENAW BAY RESERVATION, STATE LAW DOES NOT APPLY, AND TO INCLUDE THIS ON ALL JOB APPLICATIONS AND IN THE PERSONNEL POLICY BOOKS. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Toni J. Minton, William E. Emery, 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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

2. Susan LaFernier, Vice-President – Beverly Hellyer Request for John Hellyer - Isabelle Welsh will speak with Bev Hellyer about the request and ask for suggestions on what the Council can do without jeopardizing his SSI and bring the issue back to the Council.
3. Larry Denomie III, CEO – Even Start Bids for Ceiling, Lighting and Heating work in Basement (2)

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE OJIBWA BUILDERS FOR THE EVEN START BASEMENT REMODELING BID FOR \$6,375.36. SUPPORTED BY GARY F. LOONSFOT, SR. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

**Break: 10:25 – 10:38 a.m.**

4. Todd Warner, NRD –
  - a) Susan LaFernier - Keweenaw Land Trust Application – “Sustain Our Great Lakes Stewardship” Grants Program – Pat Toczydowski wrote Susan about their Keweenaw Bay Sturgeon River Sloughs Native Shore Lands Project to acquire lakeshore property to ensure shore line public access land. They are seeking a pledge of \$10,000.00 and/or a letter of support. Council will discuss this later today under donations.

- b) Cedar Tree Institute “Wings and Seeds” Project Greenhouse Location – The Council suggested having the Youth Program, OCC and the Cultural Committee involved with the greenhouse and have it located at the College. Todd will seek their opinions on being involved with the greenhouse.
  - c) DNR Proposes Increased Lake Trout Creel Limit – The increase will be from three to five daily, with a lower size of 15”, which is a 67% increase and may be effective April 1<sup>st</sup>. The NRD is planning a response and Todd will be reporting back on this issue.
  - d) FYI - ANA Grant Award Received - Wildlife and Habitat Inventory of the L'Anse Reservation. The project is two years of funding and will provide funds for Pam Nankervis', Wildlife Biologist salary and will create an additional Technician position.
5. Jerry Lee Curtis – Request for a new motor for the thrashing machine used for wild ricing.  
(Deleted – The NRD may be able to provide funds for the motor)

[Skip to Closed Session for Todd Warner’s items]

- 1. Todd Warner, NRD/Christoph Geiger –
  - a) I.H.S. MOA – Construction of Solid Waste Management Facility
  - b) Well Abandonment Services Agreement

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 11:07 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Jennifer Misegan), MOTION CARRIED.**

(Jennifer Misegan out of the room)

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 11:28 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Toni J. Minton, William E. Emery, 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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

- 6. Brad Dakota – Tribal Seals with KBIC Logo - Brad would like to see the KBIC wood carved seals in all of the Tribal buildings (big seals) and as gifts (smaller seals) to parting employees. The Council decided they would order twelve bigger seals for the Tribal buildings. Brad will get a price list for the Council for 12 large and 36 smaller seals.

Brad would also like to add \$50,000.00 to his budget to hire another full-time probation officer for the drug court implementation for those in jail at the current time.

J. Closed Session:

2. Carole LaPointe, Health Director/Christoph Geiger – WIC Grant Agreement
3. Jason Ayres, Realty/Christoph Geiger, Attorney - USDA Lease
4. Jennifer Misegan, Treasurer – Donations
5. Larry Denomie III, CEO –
  - a) Ojibwa Housing Annex
  - b) BC/BS Quotes for the Businesses

**MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 11:58 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

**Lunch: 11:59 a.m. – 1:08 p.m.**

**Gary Loonsfoot, Sr. left at 2:50 p.m.**

**Break: 2:50 – 3:00 p.m.**

**Elizabeth Mayo left at 2:50 p.m.**

**Isabelle Welsh left at 3:15 p.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 3:27 P.M. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

September 2009 Donations -

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FOLLOWING DONATIONS FOR SEPTEMBER 2009: \$200.00 FOR THE NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION, \$500.00 FOR THE NATIVE AMERICAN STUDENT ASSOCIATION 9<sup>TH</sup> ANNUAL FIRST NATIONS FOOD TESTER, \$100.00 FOR THE AMERICAN RED CROSS FOR THE WATER SAFETY PROGRAMMING, \$5,000.00 FOR THE L’ANSE TOWNSHIP BALL FIELDS FENCE FOR THE SOFTBALL FIELD AND \$1,000.00 FOR THE KEWEENAW LAND TRUST AND A LETTER OF SUPPORT FOR THE PURCHASE OF TWO PARCELS ALONG THE LAKE SHORELINE. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFerner, Sr.), FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

I.H.S. MOA Funding and Construction of Solid Waste Management Facility in the Ojibwa Industrial Park -

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MEMORANDUM OF AGREEMENT WITH I.H.S. FOR THE CONSTRUCTION OF A SOLID WASTE MANAGEMENT FACILITY. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

WIC Grant Agreement – October 1, 2009 – September 30, 2010 for \$60,305.00

**MOTION MADE BY TONI J. MINTON TO APPROVE THE WIC GRANT AGREEMENT. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

Larson Pump Company LLC Services Agreement – Well Abandonment for \$17,300.00

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE SERVICES AGREEMENT WITH LARSON PUMP COMPANY FOR THE ABANDONED WELLS WITH THE CHANGE ON SCHEDULE C #10. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

USDA Supplemental Lease Agreement – for the Baraga County FSA Office in the Ojibwa Industrial Park. The lease has been in effect since 1999.

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ACCEPT THE USDA LEASE ON A MONTH-TO-MONTH BASIS. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

Annex Building in Zeba -

**MOTION MADE BY FRED DAKOTA TO APPROVE THE ANNEX BUILDING IN ZEBA, ATTACHED TO THE CHILD CARE CENTER, TO BE USED BY THE CHILD CARE CENTER SINCE THE OJIBWA HOUSING AUTHORITY IS NO LONGER USING THE BUILDING. SUPPORTED BY JENNIFER MISEGAN. FOUR IN FAVOR (Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr.), TWO OPPOSED (William E. Emery, Elizabeth “Chiz” Matthews), ONE ABSTAINING (Jerry Lee Curtis), FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

Ojibwa BP Purchasing Liquor as an Entity of the Tribe -

**MOTION MADE BY WILLIAM E. EMERY TO HAVE JOHN BAKER, TRIBAL ATTORNEY, CONTACT THE MICHIGAN LIQUOR CONTROL COMMISSION AND ASK THAT THEY ACKNOWLEDGE THE OJIBWA BP AS AN ENTITY OF THE TRIBE VIA THE OJIBWA HOUSING AUTHORITY FOR THE PURPOSE OF BUYING LIQUOR THROUGH THE DISTRIBUTORS AND IN THE MEANTIME PURCHASE FROM THE PRESSBOX AS STATED IN THE LETTER DATED SEPTEMBER 18, 2009. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. THREE IN FAVOR (William E. Emery, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr.), ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION DEFEATED.**

Tribal Licenses for the Purchase of liquor -

**MOTION MADE BY JENNIFER MISEGAN TO DISCUSS TRIBAL LICENSES, BEING ABLE TO PURCHASE BEER, WINE AND LIQUOR, FROM THE MICHIGAN WHOLESALERS WITH THE MICHIGAN LIQUOR CONTROL COMMISSION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 3:40 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist