

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
FRIDAY – FEBRUARY 6, 2009 – 9:00 A.M.**

- A. Date: February 6, 2009
- 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
Susan J. LaFernier, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer (left 2:12 – 2:28 p.m.)
Jerry Lee Curtis (arrived at 9:14 a.m., left at 3:11 p.m.)
Gary F. Loonsfoot, Sr. (left 11:08 – 11:28 a.m., left at 2:43 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (arrived at 9:29 a.m.)
Isabelle Helene Welsh
- Absent: Fred Dakota
Michael F. LaFernier, Sr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: February 6, 2009
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| Additions: | Old Business- | 1. Larry Denomie/Debbie Parrish – a) MOA with OCC
b) USDA Distance Learning Grant |
| | Closed Session- | 8. President Swartz – d) Checks
e) Cigarettes
f) Schedule Grievance Hearing
g) Update on a Project |

Jerry Lee Curtis arrived at 9:14 a.m.

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

G. For Your Information:

1. Handout – “Tax Management for Tribes” from Law Seminars International
2. Employee Annual Leave Hours – Jennifer Misegan will address at a future meeting

H. Old Business:

1. Larry Denomie, CEO/Debbie Parrish, OCC President –
 - a) MOA with OCC – The Board of Regents approved the MOA with a change on page 3 of the Procurement Procedure

Elizabeth Mayo arrived at 9:29 a.m.

- b) USDA Rural Utilities Services Distance Learning Technology Grant – The grant is for \$300,000.00 and will enable the College and Community to have interactive videoconferencing at the sites of Baraga, L’Anse, and Harvey. The cash match was approved for the ’08 budget.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A CASH MATCH OF \$45,000.00 FOR THE USDA DISTANCE LEARNING GRANT. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Jennifer Misegan stated her opposition: She felt it should have been included in the FY09 budget.

MOTION MADE BY TONI J. MINTON TO APPROVE THE MOA BETWEEN KBIC AND KBOCC. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

I. New Business:

1. David Osmak, BIA Forestry/Sarah Smith – Resolution KB-1650-2009 - Forest Management 10% Account/Expenditure Plan – Two Forestry Education Scholarships were added to the plan.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1650-2009 BIA FOREST MANAGEMENT DEDUCTION 10% PLAN. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Jennifer Misegan stated she would have liked to have more information.

2. John Baker, Attorney – New Business License and Liquor License – Jeff Lamson/Cue Master (Pool Hall/Lounge)

MOTION MADE BY TONI J. MINTON TO TABLE THE BUSINESS AND LIQUOR LICENSE REQUEST FOR JEFF LAMSON UNTIL HE MEETS WITH LARRY DENOMIE REGARDING THE BUILDING INSPECTION. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

J. Closed Session:

1. John Baker, Attorney
2. Pines Slot Machines – Francis LaPointe/John Mantila/Patricia Gerard/Gerry Cadeau
3. Gregg Nominelli - Economic Development Project
4. Eddy Edwards, OHA Director – Four Seasons Inn Building Proposal
5. Todd Warner, NRD – Natural Resource Department Budget Modification
6. Larry Denomie III, CEO - Language Coordinator Job Description
7. Sarah Smith, Asst. CEO – Donald LaPointe Health & Education Facility Renovation and Expansion Plan Approval and Budget Modification
8. Warren C. Swartz, Jr., President –
 - a) William Carlson
 - b) Old US-41 Water Line Extension Agreement
 - c) Schedule Grievance Hearing Date for Case #001-09
 - d) Checks
 - e) Cigarettes
 - f) Schedule Grievance Hearing Date for Case #002-09
 - g) Update on a Project
9. Susan LaFernier, Vice-President – Legislative Request from an Independent Contractor

MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 10:02 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFerner, Sr.), MOTION CARRIED.

Break: 10:03 – 10:10 a.m.

Gary Loonsfoot, Sr. left 11:08 – 11:28 a.m.

Lunch: 12:00 – 1:12 p.m.

Jennifer Misegan left 2:12 – 2:28 p.m.

Gary Loonsfoot, Sr. left at 2:43 p.m.

Jerry Lee Curtis left at 3:11 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 4:00 P.M. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Larry Denomie met with Jeff Lamson and Jeff will not be doing anything substantial to the building that would require a building permit.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BUSINESS LICENSE AND LIQUOR LICENSE OF JEFF LAMSON DOING BUSINESS AS CUE MASTER. SUPPORTED BY ISABELLE H. WELSH. FIVE IN FAVOR (Susan J. LaFerner, William E. Emery, Jennifer Misegan, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Elizabeth “Chiz” Matthews), ONE ABSTAINING (Toni J. Minton), FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

KBIC Application (form) for Taxed Tobacco Products License -

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE LICENSE APPLICATION FOR TAXED TOBACCO PRODUCTS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FIVE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Isabelle H. Welsh), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Waterline Extension Agreement -

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE WATERLINE EXTENSION WATER PURCHASE MANAGEMENT, OPERATION AND MAINTENANCE AGREEMENT WITH THE VILLAGE OF BARAGA WITH THE WORD “CONSTRUCTION” DELETED IN SECTION ELEVEN, PAGE FIVE, PARAGRAPH TWO. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Pines Slots -

MOTION MADE BY JENNIFER MISEGAN TO REMOVE THE SLOTS FROM THE PINES AS SOON AS POSSIBLE BASED ON THE FINANCIAL REVIEW. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFernier, Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Susan LaFernier stated her opposition: She would have liked to keep the equipment there for possible summer operations.

Language Coordinator Job Description -

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE LANGUAGE COORDINATOR JOB DESCRIPTION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Natural Resource Department Budget Modification -

MOTION MADE BY TONI J. MINTON TO APPROVE THE BUDGET MODIFICATION OF THE NATURAL RESOURCES DEPARTMENT FOR THE NEW POSITION OF OPERATIONS AND COMPLIANCE SPECIALIST. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Donald LaPointe Health & Education Facility Renovation and Expansion Plan Approval and Budget Modification -

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE DONALD LAPOINTE HEALTH & EDUCATION FACILITY RENOVATION AND EXPANSION PLAN AND BUDGET MODIFICATION AND TO SEEK FUNDING FROM THE OBAMA STIMULUS PROPOSAL. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

O’Dovero Properties -

MOTION MADE BY JENNIFER MISEGAN TO POSTPONE THE LICENSE AGREEMENT WITH O’DOVERO PROPERTIES UNTIL IT IS FOUND WHOM THE CO-PARTNERS ARE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 4:12 P.M. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary