

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
KBIC TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JANUARY 23, 2014 – 9:00 A.M.**

A. Date: January 23, 2014

B. Call to Order: Ogimaa Shalifoe called the meeting to order at 9:06 a.m.

C. Invocation: Ogimaa Shalifoe

D. Roll Call: Present: Donald Shalifoe, Sr., Ogimaa
Jean Jokinen, Secretary
Gary F. Loonsfoot, Sr., Assistant Secretary (left at 2:15 p.m.)
Eddy Edwards, Treasurer
Robert R.D. Curtis, Jr. (left at lunch)
Michael F. LaFernier, Sr.
Susan J. LaFernier
Elizabeth “Chiz” Matthews (left at 2:00 p.m.)
Don Messer, Jr.
Jennifer Misegan
Warren C. Swartz, Jr. (left at lunch)

Absent: Carole L. LaPointe, Vice Chairwoman

E. Declaration of Quorum: Ogimaa Shalifoe declared a quorum present and proceeded with the order of business.

F. Approval of Agenda: January 23, 2014

Additions: New Business – 6. Reports - Jennifer Misegan 7. Attorneys –
Jennifer Misegan Old Business: 8. Mike LaFernier –
Commercial Fishing Closed Session: 1. Robert RD Curtis
Jr. – Personal.

Deletions: Old Business 3. Carole LaPointe – Essential Employees List
during Weather Closures. New Business 4. Carole LaPointe –
Senior Tax Preparation

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Carole LaPointe, Warren C. Swartz, Jr.), MOTION CARRIED.

G. For Your Information:

1. SNB KBIC Guaranteed Loan/Vocational Tech Student Loan Program Account Summary
January 8, 2014: Eddy Edwards asked about old loan recipient.
2. Dale Shalifoe – Ojibwa Casino Financial Reports July/August/September FY2013
3. Dale Shalifoe – Ojibwa Casino II Financial Reports July/August/September FY 2013

H. Recognize Scheduled Delegation/Individuals:

1. Jeff Loman/Steve Walsh, CEO Traxys North America – L’Anse Warden Electric Company Update – Tribal Member addressed Council on the history with the company. Will come back at 2:00 p.m. with Steve Walsh, CEO Traxys North America (was unavailable until after noon)

I. Old Business:

1. Tom Chosa, I.T. Manager – Live Streaming Proposal for Meeting Recordings -

Warren C. Swartz, Jr. arrived at 9:30 a.m.

2. Marty Curtis, House Manager – 2011 E150 Passenger Van Tax Issue.

MOTION MADE BY EDDY EDWARDS TO APPROVE \$969.00 ADDITIONAL FUNDS FOR THE VAN FOR NEW DAY TO PAY THE TAXES AND HAVE THE VAN DELIVERED TO THE RESERVATION AND APPLY FOR THE REFUND FROM THE STATE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Donald Shalifoe, Sr., Gary F Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don

Messer, Jr.), OPPOSED – 3 (Jean Jokinen, Susan J. LaFernier, Warren C. Swartz, Jr.), ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

Warren C. Swartz, Jr. stated his opposition he opposes because we are paying Michigan Sales Tax again.

3. Jean Jokinen, Secretary – Review of Committees
4. Eddy Edwards, Treasurer – Depository of Funds

MOTION MADE BY EDDY EDWARDS TO APPROVE SUPERIOR NATIONAL BANK AND WELLS FARGO DEPOSITORY OF FUNDS THAT WERE ORIGINALLY ON THE AGENDA JANUARY 4, 2014. SUPPORTED BY JENNIFER MISEGAN. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.) ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

5. Jennifer Misegan/Francis LaPointe – Results of Feasibility Study from Gaming Market Advisory
6. Michael F. LaFernier, Sr. – Commercial Fishing

MOTION MADE BY EDDY EDWARDS TO INTRODUCE PROPOSED NEW LAW TO TITLE X OF THE TRIBAL CODE HUNTING, FISHING, TRAPPING AND GATHERING CHAPTER 2.10 SECTION 10.204D(1) THAT TRIBAL COMMERCIAL ICE FISHERMEN ARE EXEMPT FROM THE BOAT INSPECTION PROCESS AND THAT EXEMPTION EXPIRES WHEN THE ICE MELTS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Donald Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

Break 10:15 a.m. – 10:28 a.m.

J. New Business:

1. Jason Ayres, Realty Officer

a) Resolution KB-002-2014 John H. Joseph Messer, Jr. Residential Lease

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-002-2014 JOHN H. JOSEPH MESSER, JR. RESIDENTIAL LEASE. SUPPORTED BY WARREN C. SWARTZ, JR. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

b) Resolution KB-003-2014 Charter Township of Marquette Utility Easement

MOTION MADE BY DON MESSER, JR. TO APPROVE RESOLUTION KB-003-2014 CHARTER TOWNSHIP OF MARQUETTE UTILITY EASEMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

2. Debra Parrish, KBOCC President – Slate of Candidates for the Board of Regents:
Clayton Ekdahl, Sandy Swartz, Karen Anderson and Robin Chosa.

MOTION MADE BY EDDY EDWARDS TO TABLE REQUEST FOR NEXT AVAILABLE MEETING TO SEE THE QUALIFICATIONS FOR THE CANDIDATES. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan,.), OPPOSED – 2 (Susan J. LaFernier, Warren C. Swartz, Jr.) ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

3. Dan MacNeil, Attorney’s Office –

a) Debra Parrish Business License Renewal for Keweenaw Kustoms & Kwik Lube, LLC

MOTION MADE BY WARREN C. SWARTZ, JR., TO APPROVE THE LICENSE FOR RENEWAL FOR KEWEENAW KUSTOMS & KWIK LUBE, LLC . SUPPORTED BY DON MESSER, JR. ELEVEN IN FAVOR (Donald Shalifoe, Sr.,

Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

b) Don Messer, Jr./Jason Messer Business License Renewal for DaShack

MOTION MADE BY WARREN C. SWARTZ, JR., TO APPROVE THE LICENSE FOR RENEWAL FOR KEWEENAW KUSTOMS & KWIK LUBE, LLC . SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

4. Eddy Edwards, Treasurer – KB-005-2014 Popular Referendum

MOTION WAS MADE BY JENNIFER MISEGAN TO TABLE KB-005-2014 UNTIL THE PROCESS IS DEVELOPED REGARDING THE VOTE. SECONDED BY WARREN C. SWARTZ, JR. FIVE IN FAVOR (Gary F. Loonsfoot, Michael F. LaFernier, Sr., Susan J. LaFernier, Sr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 6 (Donald Shalifoe, Sr., , Jean Jokinen, Eddy Edwards, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION DEFEATED.

MOTION WAS MADE BY JEAN JOKINEN TO APPROVE KB-005-2014 POPULAR REFERENDUM AND INSTRUCT THE ENROLLMENT DIRECTOR TO PROVIDE THE UPDATED VOTING LIST ACCORDING TO THEIR ORDINANCE. SECONDED BY DON MESSER, JR. SIX IN FAVOR (Donald Shalifoe, Sr., , Jean Jokinen, Eddy Edwards, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED – 5 (Gary F. Loonsfoot, Michael F. LaFernier, Sr., Susan J. LaFernier, Sr., Jennifer Misegan, Warren C. Swartz, Jr.), ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

Jennifer Misegan and Warren C. Swartz Jr. stated their opposition that a process should have been put in place prior to this.

5. Jennifer Misegan –

a) Reports

b) Attorney

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION FOR ROBERT R.D. CURTIS, JR. FOR A PERSONAL ISSUE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

K. Closed Session:

1. Robert R.D. Curtis, Jr. – Personal Issue

Lunch Break

Robert R.D. Curtis, Jr., Warren C. Swartz, Jr. left at 11:35 a.m.

Donald T. Shalifoe, Sr. called the meeting back to order at 1:10 p.m.

Old Business:

7. Informal Review/Tribal Court/Social Services/Attorney’s Office - Proposed Ordinance 2014- 01 Tribal Code Title IV Juvenile Division Chapter 4.10 Section 4.1004 – **1:00 p.m.**

Recognized Scheduled Delegation/Individuals:

1. Jeff Loman/Steve Walsh, CEO Traxys North America – L’Anse Warden Electric Company Update – Tribal Member addressed Council on the history with the company. Will come back at 2:00 p.m. with Steve Walsh, CEO Traxys North America (was unavailable until after noon)

MOTION WAS MADE BY EDDY EDWARDS TO ENTER INTO A CONFIDENTIALITY AGREEMENT WITH THE TRAXYS NORTH AMERICA TO LOOK INTO THEIR TAX RETURNS AND START RESEARCHING OUR OPPORTUNITIES FOR SUPPLY, OPPORTUNITIES FOR GRANT FUNDING FOR INFRASTRUCTURE FEASIBILITY STUDIES. SECONDED BY JEAN JOKINEN. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Gary F

Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.) ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY JEAN JOKINEN TO ADJOURN AT 3:10 P.M. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Donald Shalifoe, Sr., Jean Jokinen, Eddy Edwards, Michael F. LaFernier, Sr., Susan J. LaFernier, , Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Robert R.D. Curtis, Jr., Carole L. LaPointe, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Warren C. Swartz, Jr.), MOTION CARRIED.

Respectfully submitted,

Robin Roe
Administrative Specialist