

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
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2014 TRIBAL COUNCIL

DONALD SHALIFOE, SR., Ojibwa
CAROLE L. LAPOINTE, Vice Chairwoman
JEAN JOKINEN, Secretary
GARY F. LOONSFOOT, SR., Asst. Secretary
EDDY EDWARDS, Treasurer

ROBERT "R.D." CURTIS, JR.
MICHAEL F. LAFERNIER, SR.
SUSAN J. LAFERNIER
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.
JENNIFER MISEGAN
WARREN C. SWARTZ, JR.

MINUTES KEWEENAW BAY INDIAN COMMUNITY SPECIAL COUNCIL MEETING OJIBWA CASINO RESORT CONFERENCE ROOM THURSDAY – MAY 9, 2013 – 9:00 A.M.

COPY

APPROVED

10-30-14

- A. Date: May 9, 2013
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Tomi J. Minton, Assistant Secretary
Jennifer Misegan, Treasurer (left at 12:00 p.m.)
Robert R.D. Curtis, Jr.
Fred Dakota
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe (arrived at 9:19 a.m.)
Elizabeth "Chiz" Matthews (left at 2:17 p.m.)
Don Messer, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 9, 2013
- Addition: Old Business- 3. President Swartz – Forensic Audit Duration and Scope

MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

G. For Your Information:

1. An Invite to Community Forums (6) from Adam Burley, President of Rio Tinto Eagle Mine
2. VOIGT Intertribal Task Force Meeting Minutes April 4, 2013-Onamia, Minnesota

H. Approval of Meeting Minutes:

1. June 7, 2012

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE JUNE 7, 2012 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Robert R.D. Curtis, Jr., Don Messer, Jr.), ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

2. June 14, 2012

MOTION MADE BY FRED DAKOTA TO APPROVE THE JUNE 14, 2012 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Jean Jokinen, Don Messer, Jr.), ONE ABSENT (Carole L. LaPointe), MOTION CARRIED.

Carole LaPointe arrived at 9:19 a.m.

3. June 21, 2012

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE JUNE 21, 2012 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ABSENT - 0, MOTION CARRIED.

I. Old Business:

1. Jennifer Misegan, Treasurer – Donations May 2013 – (will return to later in the day)
2. Bruce LaPointe, Projects Manager - Transfer Station Pre-Engineered Steel Building Bids.
Mike LaFernier asked if all of the bidders received the same information to bid from regarding insulation, snow load, etc. They all received the same information.

J. New Business:

1. Bruce LaPointe, Projects Manager – Kawbawgam Road Water Study and Replacement Well MOA - Project #BE 12-G90

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE INDIAN HEALTH SERVICES AND THE KEWEENAW BAY INDIAN COMMUNITY FOR THE KAWBAWGAM ROAD WATER STUDY AND REPLACEMENT WELL ON THE KEWEENAW BAY RESERVATION. SUPPORTED BY JENNIFER MISEGAN. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

[Old Business]

3. President Swartz – Ojibwa Housing Authority Forensic Audit Duration and Scope

President Swartz reviewed the discussion that took place at the OHA Board meeting on May 7, 2013. The Housing Director requested the allegations for the audit and the time duration. President Swartz explained the audit is to help the new Board so they are comfortable with the operations of Housing.

Jennifer Misegan has contacted two firms and would like to schedule a conference call with them.

[New Business]

2. Andrew Kozich, KBOCC Environmental Science Department Chair (not present) – Tribal Community Mailing List Request for Climate Change Research Project

3. Lindy Grell (not present) – New Business License for Joseph LaFERNIER/Joe’s Custom and Detail (1:00 p.m.)

4. President Swartz – Committee/Board Selections. A discussion was held regarding Health Board HIPAA and confidentiality violations. A statement will need to be added to the committee application form.

Andrew Kozich now present: He requested a mailing list for those age 18 and over and he wanted to interview Baraga County members.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE COMMUNITY MAILING LIST REQUEST FROM THE KBOCC ENVIRONMENTAL DEPARTMENT OF SCIENCE CHAIR FOR BARAGA COUNTY MEMBERS EIGHTEEN YEARS OF AGE AND OVER. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

K. Closed Session:

1. Francis LaPointe, CFO/Jennifer Misegan, Treasurer/Larry Denomie III, CEO/David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager – Finance
2. Sarah Maki, Assistant CEO – Council Waiver Request for Nepotism
3. President Swartz – Adjudication of Jeanne Kauppila for ICWA/Adjudication Committee
4. Larry Denomie III, CEO – Eagle Radio General Manager Employment Agreement Renewal
5. Attorney’s Office – I.H.S. Contract Support Cost Case

MOTION MADE BY CAROLE L. LAPOINTE TO GO INTO CLOSED SESSION AT 10:10 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 10:11 – 10:23 a.m.

Lunch: 11:59 a.m. – 1:07 p.m.

Jennifer Misegan left at 12:00 p.m.

MOTION MADE BY JEAN JOKINEN TO GO INTO OPEN SESSION AT 1:46 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

[New Business]

3. Lindy Grell, Tribal Attorney – Joseph LaFernier (not present) New Business License Application d/b/a Joe’s Custom and Detail

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE NEW BUSINESS LICENSE FOR JOSEPH LAFERNIER DOING BUSINESS AS JOE’S CUSTOM AND DETAIL. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS.

There were questions on where the business was located, bonding and insurance and his address. Lindy Grell was not aware

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO TABLE THE NEW BUSINESS LICENSE APPLICATION UNTIL NEXT WEEK AT 6:30 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

4. President Swartz – Committee/Board Selections

- a) Constitutional Committee (1) Alternate seat (1 applicant)

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT DAWN ALEXANDER TO THE CONSTITUTIONAL COMMITTEE AS AN ALTERNATE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

- b) Enrollment Board (1) Elder seat (1 applicant). Also need an additional elder seat to be filled

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT AMELIA SAPCUT TO THE ELDER SEAT ON THE ENROLLMENT BOARD AND ADVERTISE AN ADDITIONAL ELDER SEAT FOR APPLICANTS AGE SIXTY AND OVER. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

- c) Natural Resources Committee (2) seats (2 applicants)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPOINT JOHN SEPPANEN AND DAWN ALEXANDER TO THE NATURAL RESOURCES COMMITTEE. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

- d) Parks and Recreation Committee (1) seat (2 applicants)

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT WILLIAM JONDREAU, SR. TO THE PARKS AND RECREATION COMMITTEE. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

- e) ICWA/Justice Committee (1) seat –
No applicants for this Committee were received. Will repost for this Committee

- f) Youth Committee (2) seats (2 applicants)

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT CHERYNE CLEMENTS AND DAWN ALEXANDER TO THE YOUTH COMMITTEE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

5. Vice President Mayo – a) Fourth of July Holiday

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE (FRIDAY, JULY 5, 2013 AS A HOLIDAY ALONG WITH JULY 4TH FOR THE EMPLOYEES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Susan J. LaFERNIER, Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

Susan LaFERNIER stated her opposition: She is opposed because it was not done last year and she believes the policy should be changed.

- b) Council Recording Secretary Stipend for Thursday Evening/Saturday Meetings

Vice President Mayo would like to suggest a stipend of \$125.00 for the Recording Secretary for the Thursday evening and Saturday Council meetings. Susan LaFERNIER stated they are supposed to flex their time for the meetings and meetings are included in the job description. Susan suggested a reclassification or promotion be submitted.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A STIPEND OF \$125.00 FOR THE RECORDING SECRETARY FOR THE THURSDAY EVENING AND SATURDAY COUNCIL MEETINGS. (Motion died for lack of support)

6. Larry Denomie III, CEO – Weekly Update

Elizabeth Matthews left at 2:17 p.m.

7. Sarah Maki, Assistant CEO – Environmental Mining Budget Modification - #534 to increase for the USGS water monitoring program on the Yellow Dog Plains with the Huron Mountain Club.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE MODIFICATION TO THE ENVIRONMENTAL MINING BUDGET IN THE AMOUNT OF \$60,500.00. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Elizabeth “Chiz” Matthews), MOTION CARRIED.

8. Gregg Nominelli, Economic Developer – Committee for Alternative & Renewable Energy (CARE) Proposed Amendment to By-Laws

Gregg stated the Housing Director is no longer interested in serving on the committee and would like to reduce its membership from eight members to seven (Article III Section 1 Membership) and reduces the quorum needed to 4 from 5 (Article V Section 2)

MOTION MADE BY FRED DAKOTA TO APPROVE THE MEMBERSHIP AMENDMENT TO THE BY-LAWS OF THE COMMITTEE FOR ALTERNATE AND RENEWABLE ENERGY. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Elizabeth “Chiz” Matthews), MOTION CARRIED.

May 2013 Donations - Tabled prior

MOTION MADE BY JEAN JOKINEN TO DENY THE REMAINING MAY 2013 DONATION REQUESTS. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Elizabeth “Chiz” Matthews), MOTION CARRIED.

Council Waiver Request for Nepotism – Pre-Primary Program

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT STACEY SOMORO AS SUPERVISOR TO NANCY LAMB AND IN HER ABSENCE APPOINT NISSA LAPOINTE OR KELLY DOWD TO SUPERVISE BASED ON THE NEPOTISM POLICY. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Elizabeth “Chiz” Matthews), MOTION CARRIED.

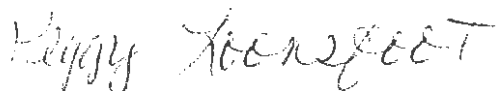
Ed Janisse Employment Agreement – Eagle Radio Stations General Manager – with Modifications

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE EMPLOYMENT AGREEMENT WITH ED JANISSE AND AMEND SECTION 2.2 TO ALLOW FOR A ONE-YEAR TERM AND AUTOMATIC RENEWAL FOR TWO YEARS. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Elizabeth “Chiz” Matthews), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 2:32 P.M. SUPPORTED BY DON MESSER, JR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Elizabeth "Chiz" Matthews), MOTION CARRIED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peggy Loonsfoot".

Peggy Loonsfoot
Administrative Specialist