

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JUNE 25, 2009 – 9:00 A.M.**

- A. Date: June 25, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:09 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 (left 1:10 – 2:50 p.m.)
Jennifer Misegan, Treasurer (left 1:10 – 2:50 p.m.)
Jerry Lee Curtis (arrived at 3:15 p.m.)
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 10:23 a.m., left 11:33 a.m. – 1:20 p.m.)
Gary F. Loonsfoot, Sr.
Elizabeth “Chiz” Matthews (arrived at 9:30 a.m., left 11:33 a.m. – 1:00 p.m.)
Elizabeth D. Mayo
Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: June 25, 2009

Addition: Closed Session- 7. Isabelle Welsh – Tribal Member Request

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

G. For Your Information:

1. Phone Poll for Resolution KB-1668-2009 Adding Hatchery Site to the Wind Monitoring and energy efficiency study. (Amendment to KB-1666-2009)
2. Flyer - 7th Annual KBIC Kids Fishing Derby June 27, 2009 - 9:00 a.m. – 1:00 p.m. “In honor of the Tiosh Family” Past and Present

H. Closed Session:

1. John Baker, Attorney
2. Jennifer Misegan, Treasurer – Donations
3. Enterprise Employee Grievance Hearing for Case #014-09
4. Larry Denomie III, CEO
5. Warren C. Swartz, Jr., President
6. Enterprise Employee Appeal of Termination Hearing for Case #012-09
7. Isabelle Welsh – Tribal Member Request #KB-20-09

MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 9:13 A.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Elizabeth Matthews arrived at 9:30 a.m.

Break: 9:54 – 10:02 a.m.

Mike LaFernier, Sr. arrived at 10:23 a.m.

Break: 11:33 – 11:47 a.m.

Mike LaFernier, Sr. left at 11:33 a.m.

Elizabeth Matthews left 11:33 a.m. – 1:00 p.m.

Lunch: 12:00 – 1:07 p.m.

William Emery left at 1:10 p.m.

Jennifer Misegan left at 1:10 p.m.

Gary Loonsfoot, Sr. returned at 1:10 p.m.

Mike LaFernier, Sr. returned at 1:20 p.m.

Break: 2:26 – 2:35 p.m.

William Emery returned at 2:50 p.m.

Jennifer Misegan returned at 2:50 p.m.

Jerry Lee Curtis arrived at 3:15 p.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 3:36 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Susan J. LaFernier, 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, ABSENT - 0, MOTION CARRIED.

Break: 3:37 – 3:53 p.m.

Enterprise Employee Appeal of Termination Hearing for Case #012-09 -

MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE GENERAL MANAGER’S DECISION IN THE ENTERPRISE EMPLOYEE’S APPEAL OF TERMINATION HEARING CASE #012-09. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Elizabeth “Chiz” Matthews), THREE ABSTAINING (William E. Emery, Jennifer Misegan, Jerry Lee Curtis), ABSENT - 0, MOTION CARRIED.

Donations for June 2009 –

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FOLLOWING DONATIONS FOR JUNE 2009, \$250.00 TO THE BARAGA COUNTY EAGLES AUXILIARY FOR THE FISHING TOURNAMENT, \$1,000.00 FOR THE DALE KILDEE CAMPAIGN AND UP TO \$250.00 FOR ITEMS FROM THE GIFT SHOP FOR THE NATIONAL CHILD SUPPORT CONFERENCE. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Susan J. LaFernier, 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, ABSENT - 0, MOTION CARRIED.

Enterprise Employee Grievance Hearing for Case #014-09 -

MOTION MADE BY JENNIFER MISEGAN TO UPHOLD THE INTERIM GENERAL MANAGER’S DECISION IN CASE #014-09. SUPPORTED BY ISABELLE H. WELSH. TWO IN FAVOR (Jennifer Misegan, Isabelle H. Welsh), EIGHT OPPOSED (Susan J. LaFernier, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE ABSTAINING (Jerry Lee Curtis), ABSENT - 0, MOTION DEFEATED.

MOTION MADE BY WILLIAM E. EMERY TO UPHOLD THE FORMER GENERAL MANAGER’S DECISION IN CASE #014-09 BEFORE HIS RETIREMENT AND TO SEND A LETTER EXPLAINING THE CIRCUMSTANCES. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), TWO OPPOSED (Jennifer Misegan, Isabelle H. Welsh), ONE ABSTAINING (Jerry Lee Curtis), ABSENT - 0, MOTION CARRIED.

Honigman Miller Schwartz and Cohn LLP –

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE SPECIAL COUNSEL CONTRACT BETWEEN THE COMMUNITY AND HONIGMAN MILLER SCHWARTZ AND COHN LLP. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), THREE OPPOSED (Jennifer Misegan, Fred Dakota, Elizabeth D. Mayo), ONE ABSTAINING (Jerry Lee Curtis), ABSENT - 0, MOTION CARRIED.

I. Old Business:

1. Eddy Edwards, OHA – (See handout) – Ojibwa BP Gas Station, Car Wash and Laundromat Business Plan Feb. 2009)
 - a) Business Plan
 - b) Projected Financials
 - c) Programs/Profits
 - d) Purchasing Money
 - e) Balance Sheet – Program Money/Non-Program Money
 - f) Land Lease Purchase Agreement
 - g) OHA Board Meeting Minutes Showing Document Approvals
 - h) Ordinance Review

Mr. Baker stated the Tribe is not responsible if the businesses fail. The Council can repeal the Ordinance at any time.

Susan LaFerner stated there was a discussion on compromises and asked if they had thought about them. Gary Loonsfoot, Sr. responded that they have thought about a reasonable percentage of the profits from BP and donating it towards the Christmas Checks.

Eddy Edwards added that OHA would be willing to buy their liquor and cigarettes directly from the Pines.

MOTION MADE BY WILLIAM E. EMERY TO RECESS THE MEETING AT 5:42 P.M. UNTIL 6:00 P.M. AND RECONVENE IN THE CHIPPEWA RESORT CONFERENCE ROOM. 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), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. 3rd Reading – OHA Ordinance Amendment 2009-02 Article II - Purposes – 6:00 p.m. - Ojibwa Casino Resort Conference Room

President Swartz read the Legislative Process for the 3rd Reading. [See Legislative File]

MOTION MADE BY GARY F. LOONSFOOT, SR. TO INTRODUCE THE SUBSTITUTE FOR THE PROPOSED OHA ORDINANCE 2009-02 AND ADD IT TO THE RECORD AND MOVE TO ADOPT. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), FIVE OPPOSED (Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Elizabeth Mayo stated for the record that Gary Loonsfoot, Sr. and William Emery are Ojibwa Housing Authority Board members.

President Swartz called for amendments to the Substitute Proposed OHA Ordinance 2009-02.

Isabelle Welsh left 6:35 – 6:54 p.m.

Susan LaFernier – Amendment #1 (See handout)

MOTION MADE BY SUSAN J. LAFERNIER TO ADOPT AMENDMENT #1 TO THE SUBSTITUTE FOR PROPOSED ORDINANCE 2009-02 TO AMEND ARTICLE V, SECTION 2 BY ADDING THE FOLLOWING AT THE END OF SECTION BEFORE THE PERIOD (“.”), “PROVIDED FURTHER, HOWEVER, AND NOTWITHSTANDING ANYTHING CONTAIN HEREIN THE CONTRARY, THE AUTHORITY MAY BE SUED BY THE KEWEENAW BAY INDIAN COMMUNITY FOR THE PURPOSES OF ENFORCING THE TERMS, CONDITIONS AND PROVISIONS OF THIS ORDINANCE”. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), FOUR OPPOSED (Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Elizabeth Mayo stated for the record that William Emery is on the Ojibwa Housing Authority Board, Gary Loonsfoot, Sr. is Chairman of the Ojibwa Housing Authority Board and Susan LaFerner is on the Superior National Bank Board.

Susan LaFerner stated that this amendment is for all economic development, not just the BP Gas Station so she will vote.

Susan LaFerner – Amendment #2 (See handout)

MOTION MADE BY SUSAN J. LAFERNIER TO ADOPT AMENDMENT #2 TO THE SUBSTITUTE FOR PROPOSED ORDINANCE 2009-02. SUPPORTED BY ELIZABETH D. MAYO. FOUR IN FAVOR (Susan J. LaFerner, Toni J. Minton, Fred Dakota, Elizabeth D. Mayo), SIX OPPOSED (William E. Emery, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE ABSTAINING (Jennifer Misegan), ABSENT - 0, MOTION DEFEATED.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE OHA ORDINANCE 2009-02 INCLUDING AMENDMENT #1. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (William E. Emery, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), FIVE OPPOSED (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

J. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 7:00 P.M. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist