

# KEWEENAW BAY INDIAN COMMUNITY

## 2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President  
ELIZABETH D. MAYO, Vice-President  
SUSAN J. LAFERNIER, Secretary  
TONI J. MINTON, Assistant Secretary  
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center  
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ROBERT R.D. CURTIS, JR.  
FRED DAKOTA  
JEAN JOKINEN  
MICHAEL F. LAFERNIER, SR.  
CAROLE L. LAPOINTE  
ELIZABETH "CHIZ" MATTHEWS  
DON MESSER, JR.

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
OJIBWA CASINO RESORT CONFERENCE ROOM  
THURSDAY – SEPTEMBER 5, 2013 – 9:00 A.M.**

 **APPROVED**  
2-27-15

- A. Date: September 5, 2013
- B. Call to Order: Vice President Mayo called the meeting to order at 9:09 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (arrived at 10:10 a.m.)  
Elizabeth D. Mayo, Vice President  
Susan J. LaFernier, Secretary  
Toni J. Minton, Assistant Secretary (arrived at 10:34 a.m.)  
Jennifer Misegan, Treasurer  
Robert R.D. Curtis, Jr.  
Fred Dakota  
Jean Jokinen  
Michael F. LaFernier, Sr.  
Carole L. LaPointe  
Elizabeth "Chiz" Matthews (arrived at 10:15 a.m.)  
Don Messer, Jr.
- E. Declaration of Quorum: Vice President Mayo declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 5, 2013
- |            |                 |  |
|------------|-----------------|--|
| Additions: | FYI-            | 1. I.H.S. FY2003 Response Letter   |
|            | New Business-   | 4. President Swartz – a) Top Soil Donation<br>b) Employee Recognition                              |
|            | Closed Session- | 3. Lindy Grell, Tribal Attorney  |
| Deletions: | Old Business-   | 1. Larry Denomie III, CEO – Beartown Fire Fighters Crew<br>Management Handbook Review              |
|            | New Business-   | 1. Larry Denomie III, CEO – a) Niiwin Akeaa Fitness<br>Facility Reorganization<br>b) Weekly Update |

**MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFERNIER, Jennifer MISEGAN, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

G. For Your Information:

1. I.H.S. Response Letters - Contract Disputes Act Claims for Contract Support Costs from 2000, 2001, 2002 and FY2003
2. Executive Summary of a Mining Study on the economic impacts in the Western U.P. from FOLK (Friends of the Land of Keweenaw) prepared by Power Consulting, Inc.
3. Smithsonian National Museum of the American Indian Exhibition Opening in New York August 10, 2013 – June 15, 2014 “Before and After the Horizon: Anishinabe Artists of the Great Lakes”

H. Approval of Meeting Minutes:

1. September 20, 2012

**MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE SEPTEMBER 20, 2012 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe), OPPOSED - 0, TWO ABSTAINING (Jennifer MISEGAN, Don Messer, Jr.), THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

2. September 25, 2012

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE SEPTEMBER 25, 2012 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr.), OPPOSED - 0, THREE ABSTAINING (Jennifer MISEGAN, Carole L. LaPointe, Don Messer, Jr.), THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

I. Old Business:

1. Debra Picciano, TERO Director - Emergency Medical Technology (EMT) Program

The Council consensus is to put the EMT Program requests under the Vocational Loan Program. The Tribe will pay the loan if the Tribal Member completes the course.

J. New Business:

1. Jean Jokinen – Site Location for New Zeba Hall – maps were provided to the Council

The Council would like Gary Loonsfoot, Jr., Director of Cultural Resources, to investigate the site and speak to the elders regarding graves in that area.

[Old Business]

2. Lindy Grell, Tribal Attorney – Tribal Attorney Position and Position Description

The Council will review the position and description and bring forward any suggestions or changes.

[New Business]

2. Jason Ayres, Chairman, Committee for Alternative & Renewable Energy/Lindy Grell, Tribal Attorney/Gregg Nominelli, Economic Developer – MEDC (Michigan Economic Development Corporation) Grant Agreement to Install a Solar System at Commodity Foods

The Council will wait for MEDC’s response to the language change in the agreement regarding sovereign immunity (in a court of competent jurisdiction).

3. Vice President Mayo – KBIC Employee Recognition on September 25, 2013 at the Niiwin Akeaa Facility gymnasium 11:00 a.m. – 1:00 p.m. Council members will recognize those employees with 10-40 years of service.

K. Closed Session:

1. Jason Ayres, Realty Officer – Curby Robillard Lease

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:05 A.M. AND INCLUDE KBIC MEMBERS. SUPPORTED BY CAROLE L. LAPOINTE. THREE IN FAVOR (Susan J. LaFernier, Michael F. LaFernier, Sr., Carole L. LaPointe), FIVE OPPOSED (Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Elizabeth “Chiz” Matthews), MOTION DEFEATED.**

Curby Robillard had permission (and a sub-lease) to live on the leased land for over twenty years from his Uncle John Robillard.

**President Swartz arrived at 10:10 a.m.**

**Elizabeth Matthews arrived at 10:15 a.m.**

Robert (Beaver) and Chris Voakes present.

They are requesting the Council not renew the Robillard land lease. They gave statements of Curby Robillard shooting at their property, cutting trees, and leaving nails in their driveway.

Heather Chapman, Assistant Tribal Attorney, stated these acts are federal misdemeanors and Tribal Police can issue tickets to Mr. Robillard. She has more information for closed session.

**Toni Minton arrived at 10:34 a.m.**

The Council will schedule to meet with Curby Robillard on September 7, 2013.

2. President Swartz – BIA Response to Forestry Program Proposal which was denied for \$95,940.00. The amount approved was \$1,034.00

The Council consensus is to request additional funding from the Bureau and seek assistance from our political friends.

[Old Business]

3. President Swartz – Appellate Court Justice Appointment

**MOTION MADE BY TONI J. MINTON TO APPROVE THE APPOINTMENT OF WILLIAM “BILL” JONDREAU TO THE APPELLATE COURT JUSTICE. SUPPORTED BY DON MESSER, JR. 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.**

[New Business]

4. President Swartz - Top Soil Donation for the L’Anse Sports Complex. The soil is located at the Haataja Truckin’ site per Bruce LaPointe and is screened.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TOP SOIL DONATION REQUEST FOR THE L’ANSE SPORTS COMPLEX. SUPPORTED BY SUSAN J. LAFERNIER. 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.**

President Swartz added to the agenda a request for a boat license from John Paul Decota.

**MOTION MADE BY FRED DAKOTA TO APPROVE THE REQUEST OF JOHN PAUL DECOTA FOR A BIG BOAT LICENSE AND TO PRO-RATE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. 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.**

[Closed Session]

3. Heather Chapman/Lindy Grell, Tribal Attorney Office – Update on I.H.S. Claims for 2000-2003
4. Summer Youth Termination Hearing Case #002-13 and Case #003-13

**MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 11:10 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFerner, 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: 11:11 – 11:21 a.m.**

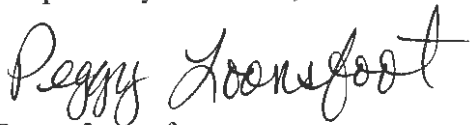
**Lunch: 12:01 – 1:02 p.m.**

**MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 2:19 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

L. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 2:20 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Respectfully submitted,



Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**OJIBWA CASINO RESORT CONFERENCE ROOM**  
**THURSDAY – SEPTEMBER 5, 2013 – 9:00 A.M.**

A. Date: September 5, 2013

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:                   \_\_\_ Warren C. Swartz, Jr., President  
                                  \_\_\_ Elizabeth D. Mayo, Vice President  
                                  \_\_\_ Susan J. LaFermier, Secretary  
                                  \_\_\_ Toni J. Minton, Assistant Secretary  
                                  \_\_\_ Jennifer Misegan, Treasurer  
                                  \_\_\_ Robert R.D. Curtis, Jr.  
                                  \_\_\_ Fred Dakota  
                                  \_\_\_ Jean Jokinen  
                                  \_\_\_ Michael F. LaFermier, Sr.  
                                  \_\_\_ Carole L. LaPointe  
                                  \_\_\_ Elizabeth "Chiz" Matthews  
                                  \_\_\_ Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: September 5, 2013

G. For Your Information:

1. I.H.S. Response Letters - Contract Disputes Act Claims for Contract Support Costs from 2000-2002
2. Executive Summary of Mining Study in the Western U.P.
3. Smithsonian National Museum of the American Indian Exhibition Opening in New York August 10, 2013 – June 15, 2014

H. Approval of Meeting Minutes:

1. September 20, 2012
2. September 25, 2012

I. Old Business:

1. Larry Denomie III, CEO - Beartown Fire Fighters Crew Management Handbook Review
2. Debra Picciano, TERO Director - Emergency Medical Technology (EMT) Program

3. Lindy Grell, Tribal Attorney – Tribal Attorney Position and Position Description
4. President Swartz – Appellate Court Justice Appointment

J. New Business:

1. Larry Denomie III, CEO –
  - a) Nikki Reenders-Arens - Niiwin Akeaa Fitness Facility Reorganization
  - b) Weekly Update
2. Jean Jokinen – Site Location for New Zeba Hall
3. Jason Ayres, Chairman, Committee for Alternative & Renewable Energy -- Contracts to Install a Solar System at Commodity Foods

K. Closed Session:

1. Jason Ayres, Realty Officer – Curby Robillard Lease
2. President Swartz – BIA Response to Forestry Program Proposal
3. Tribal Attorney's Office – Update on I.H.S. Claims for 2000-2003
4. Youth Termination Hearing Case #002-13 - **1:00 p.m.**

L. Adjournment: