

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – NOVEMBER 5, 2009 – 9:00 A.M.**

- A. Date: November 5, 2009
- B. Call to Order: Vice President LaFernier called the meeting to order at 9:13 a.m.
- C. Invocation: Lord’s Prayer and prayers for Jerry Swartz and Jerry Lee Curtis who are both in Marquette General Hospital
- D. Roll Call: Present: Susan J. LaFernier, Vice-President  
Toni J. Minton, Secretary  
Jennifer Misegan, Treasurer (left 10:50 – 11:25 a.m., left 2:12 – 2:43 p.m.)  
Fred Dakota  
Michael F. LaFernier, Sr.  
Gary F. Loonsfoot, Sr. (left at 2:49 p.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo  
Isabelle Helene Welsh (left at 2:03 p.m.)  
Absent: Warren C. Swartz, Jr., President  
William E. Emery, Assistant Secretary  
Jerry Lee Curtis
- E. Declaration of Quorum: Vice President LaFernier declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: November 5, 2009
- |            |               |  |
|------------|---------------|--|
| Deletion:  | New Business- | 2. a) Jason Ayres – Resolution KB-1718-2009<br>ARRA Maintenance Contract   |
| Additions: | New Business- | 8. John Baker – Renewal License for Pre-Primary<br>Education Program<br>9. Isabelle Welsh – William Chosa Request for a<br>Furnace                                   |
|            | Old Business- | 5. Jennifer Misegan – a) Review Christmas Gift<br>Check Guidelines<br>b) Schedule 3 <sup>rd</sup> Reading for Amendments to<br>Gaming Ordinances 2009-04 and 2009-05 |

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

G. For Your Information:

1. (7) Michigan Tribes Health Insurance Poll Results
2. Great Lakes Restoration Initiative – Memo from Todd Warner regarding a summary description of \$475 million dollars in federal funding that will be available for environmental protection and restoration activities in the Great Lakes basin.
3. Immediate Release from The White House October 24, 2009 – Declaration of a National Emergency with Respect to the 2009 H1N1 Influenza Pandemic

H. Old Business:

1. Francis LaPointe, CFO/Larry Denomie III, CEO/Debbie Parrish, OCC President/Dawn Richards, Controller – Ojibwa Community College MOA

The Higher Learning Commission would like OCC to have a separate payroll and accounting system. They will have to separate their benefits from the Tribe. The next Higher Learning Commission visit will be in 2011. A celebration will be held next week for the candidacy status of the college.

I. New Business:

1. Patricia Gerard, Pines Manager/Jay Nieuwenhuis, Northwest Petroleum Service, Inc./Lynn Haataja, Interim Baraga Casino Manager/Barb Mayo, Administrative Assistant/Jackie Marinich, Marketing/Gerry Cadeau, Slot Supervisor/David Haataja, Marquette Casino Manager – New Equipment Proposal for Pines Convenience Center Presentation – The pumps need to be in compliance by July 1, 2010.

Proposal A – New Pumps and debit machines \$167,316.44

Proposal B – New pumps and debit machines with TV screens for promotions, etc. for credit card use \$220,663.88

Proposal C – New pumps and debit machines, TVs and cash acceptors \$243,036.44

**Jennifer Misegan left 10:50 – 11:25 a.m.**

**Break: 11:10 – 11:25 a.m.**

2. Jason Ayres, Realty Officer –

- a) Land Use Planning Consultant – First Amendment to ANA Lump Contract for Professional Services with U.P. Engineers and Architects, Inc. extended to September 30, 2010

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE ADDENDUM TO THE CONTRACT FOR PROFESSIONAL SERVICES FOR U.P. ENGINEERS & ARCHITECTS, INC. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis), MOTION CARRIED.**

- b) Resolution KB-1717-2009 Sylvia J. Murphy Allotted Land Interest Acquisition on Usimaki Road

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1717-2009 SYLVIA MURPHY ALLOTTED INTEREST ACQUISITION. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis), MOTION CARRIED.**

3. Todd Warner, NRD – ANA Wildlife and Habitat Inventory Program Vehicle Bids (10)

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE FISH HATCHERY IN PURCHASING A 2006 CHEVY SILVERADO FOR \$19,000.00 FROM KISSELS TO BE LEASED OUT OF THE GENERAL FUND. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis), MOTION CARRIED.**

4. Diana Chaudier, Election Chair – Certify KBIC Primary Election 2009 Results

**MOTION MADE BY TONI J. MINTON TO APPROVE THE ELECTION RESULTS FROM THE OCTOBER 31, 2009 PRIMARY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis), MOTION CARRIED.**

5. Deve Sever, Radio Station Manager –

a) Server Bids (2)

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE NEW SERVER FOR BOTH RADIO STATIONS IN THE AMOUNT OF \$4,105.48 FROM OUR I.T. DEPARTMENT. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis), MOTION CARRIED.**

b) Ronald Gnadinger July 1, 2009 – June 31, 2012 Professional Services Agreement to provide repair and maintenance services for the community’s Radio Stations

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH RON GNADINGER. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis), MOTION CARRIED.**

6. Elizabeth Mayo – Schedule 2<sup>nd</sup> Reading - Proposed Ordinance 2009-03 - Amendment to Ordinance 2004-001 KBIC Hunting, Fishing, Trapping and Gathering Code

The 2<sup>nd</sup> Reading is scheduled for November 12, 2009 at 5:00 p.m. in the Tribal Center Conference room.

7. Isabelle Welsh – William Chosa Request for a Furnace (Bianco Plumbing and Heating)

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE DONATION REQUEST FROM BILL CHOSA PENDING THE LIHEAP PROGRAM FUNDING AND OHA PROGRAM IN THE AMOUNT OF \$2,365.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis), MOTION CARRIED.**

**Lunch: 12:10 – 1:12 p.m.**

[Old Business Continued]

2. Larry Denomie III, CEO/Sarah Smith/Terri Denomie/Lisa Denomie – Early Childhood Education Center Project Options – Power Point Presentation on the pros and cons

**Isabelle Welsh left at 2:03 p.m.**

Jennifer Misegan left 2:12 – 2:43 p.m.

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO HAVE TWO EARLY CHILDHOOD EDUCATION CENTERS, ONE IN ZEBA AND TO BUILD ONE IN BARAGA AND TO MOVE FORWARD WITH SEEKING A SUB-CONTRACT AGREEMENT WITH ITC. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Jennifer Misegan), ONE ABSTAINING (Toni J. Minton), FOUR ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis, Isabelle H. Welsh), MOTION CARRIED.**

Jennifer Misegan stated her opposition: She believes it will be too costly to have two separate facilities.

Gary Loonsfoot, Sr. left at 2:49 p.m.

Break: 2:50 – 2:58 p.m.

[Old Business Continued]

3. Sarah Smith – Donald A. LaPointe Health & Education Facility Renovation and Expansion Bids (3) and Construction Contract Approval

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BID OF \$1,248,521.00 FROM THE OJIBWA BUILDERS FOR THE EXPANSION OF THE DONALD A. LAPOINTE HEALTH & EDUCATION FACILITY RENOVATION AND EXPANSION AND THE CONSTRUCTION CONTRACT AWARD. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Toni J. Minton, Jennifer Misegan, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFERNIER, Sr.), FIVE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.**

[The remainder of the agenda items will be rescheduled for tomorrow, November 6, 2009]

[New Business]

8. Larry Denomie III, CEO – Proposed Addition to Personnel Policy Relating to Illness
9. John Baker, Attorney – Renewal License for Pre-Primary Education Program

[Old Business]

4. David Osmak, BIA Forestry – Resolution KB-1694-2009 Timber Salvage Harvest on Pinery Road (Postponed on 6/18/09)
5. Jennifer Misegan –
  - a) Review Christmas Gift Check Guidelines
  - b) Schedule 3<sup>rd</sup> Reading for Amendments to Gaming Ordinances 2009-04 & 2009-05  
[The 3<sup>rd</sup> Reading is scheduled for November 12, 2009]

J. Closed Session:

1. RD Curtis, Outpatient Program - Substance Abuse Recovery Request #002-09
2. Jennifer Misegan – Donations
3. John Baker, Attorney
4. Larry Denomie III, CEO
5. Susan J. LaFerner, Vice President

K. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 3:13 P.M. SUPPORTED BY ELIZABETH D. MAYO. SIX IN FAVOR (Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., William E. Emery, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist