

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MAY 7, 2009 – 9:00 A.M.

- A. Date: May 7, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:01 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
Jennifer Misegan, Treasurer
Jerry Lee Curtis (left 10:01 – 11:23 a.m.)
Fred Dakota (arrived at 9:04 a.m.)
Michael F. LaFernier, Sr. (arrived at 9:05 a.m.)
Gary F. Loonsfoot, Sr. (left at 2:42 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (arrived at 9:09 a.m., left 10:47 a.m. – 1:14 p.m.)
Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 7, 2009

Fred Dakota arrived at 9:04 a.m.

Mike LaFernier, Sr. arrived at 9:05 a.m.

- Additions: New Business- 6. President Swartz – Request from the 4th of July Committee
7. Fred Dakota – OCC Gymnasium Use
Closed Session- 11. President Swartz - a) U.S. Attorney Visit

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY SUSAN J. LAFERNIER. TEN 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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

G. For Your Information:

1. Notification of Approved Enrollment Applications (5)
2. Rio Tinto Response to Business & Human Rights Resource Centre regarding the concerns of the Eagle Mine Project raised by the London Mining Network and KBIC

H. Old Business:

1. Susan LaFERNIER, Vice-President – Committees [Return to later in the day]

Elizabeth Mayo arrived at 9:09 a.m.

I. New Business:

1. Jason Ayres, Realty Officer –
 - a) Resolution KB-1670-2009 Residential Lease Rental Rate. The Tribe has charged \$1.00 per 25-year term for many years in the past for Tribal member leases. This resolution would waive that fee.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1670-2009 RESIDENTIAL LEASE RENTAL RATE, WAIVING THE \$1.00 FEE. SUPPORTED BY GARY F. LOONSFOOT, 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.

- b) Land Use Planning Contract for Professional Services. A qualified individual to perform land use planner duties could not be obtained.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE U.P. ENGINEERS AND ARCHITECTS PROPOSAL AND CONTRACT TO PERFORM THE LAND USE PLANNING ACTIVITIES FOR SERVICES FROM APRIL 2009 TO SEPTEMBER 2009 FOR \$53,100.00 AND SERVICES FROM OCTOBER 2009 TO SEPTEMBER 2010 FOR \$61,900.00 CONTINGENT UPON APPROVAL FROM THE ANA FOR THE BUDGET MODIFICATION. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN 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, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

c) Resolution KB-1673-2009 Joseph E. LaFernier Recreational Lease

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-1673-2009 RECREATIONAL LEASE FOR JOE LAFERNIER. 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.

d) Resolution KB-1674-2009 Tanya M. Miller Residential Lease

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1674-2009 RESIDENTIAL LEASE FOR TANYA MILLER. SUPPORTED BY TONI J. MINTON. 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.

e) Resolution KB-1675-2009 Russell C. Kinnunen and Jamie L. Kinnunen Residential Lease Modification

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1675-2009 RESIDENTIAL LEASE MODIFICATION FOR RUSSELL KINNUNEN. 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.

f) Resolution KB-1676-2009 Mary F. Walker Residential Lease Modification to add Janet M. Walker and Kay S. Rucinsky

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1676-2009 RESIDENTIAL LEASE MODIFICATION FOR MARY WALKER. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFernier, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Jennifer Misegan), ABSENT - 0, MOTION CARRIED.

g) Resolution KB-1678-2009 Suzanne L. Jondreau Residential Lease Modification

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1678-2009 RESIDENTIAL LEASE MODIFICATION FOR SUZANNE JONDREAU. SUPPORTED BY FRED DAKOTA. 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.

2. Tyler Larson, Youth Director – (3) 2009 Ford Econoline Van Bids – Preference is Copper Country Ford

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE BID FROM COPPER COUNTRY FORD FOR \$22,516.00. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

(Mike LaFernier, Sr. out of the room)

3. President Swartz – Request from the 4th of July Committee for a donation of two hotel rooms for two nights. Approved by Council consensus. (For the log rolling contest if it is held).
4. Fred Dakota – OCC Gymnasium Use – Fred inquired about the gymnastic team’s use of the gym and his concerns regarding the gym not being open to the Community.

The Youth Committee Facility Use Policy states that activities held in the gym need to have 50% Tribal kids. The Council had questions and wanted to discuss the issue further with the Youth Committee as well as Tyler Larson, Youth Director and Carole LaPointe, former Youth Director at a meeting to be scheduled.

Break: 9:49 – 10:01 a.m.

Jerry Lee Curtis left at 10:01 a.m.

[Move to Closed Session for scheduled hearings]

1. Enterprise Employee Grievance Hearing Case #009-09 – **10:00 a.m.**
2. Enterprise Employee Grievance Hearing Case #010-09 – **11:00 a.m.**
3. Enterprise Employee Appeal of Termination Hearing Case #011-09 – **1:00 p.m.**

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:02 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

(Jennifer Misegan, Elizabeth “Chiz” Matthews out of the room)

Elizabeth Mayo left at 10:47 a.m.

Jerry Lee Curtis returned at 11:23 a.m.

Lunch: 11:50 a.m. – 1:14 p.m.

The meeting was moved to the Ojibwa Casino Resort Conference Room (Tribal Center closed due to sewer gas)

Elizabeth Mayo returned at 1:14 p.m.

Gary Loonsfoot, Sr. left at 2:42 p.m.

Break: 3:05 – 3:15 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 3:17 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

[Return to New Business]

5. Todd Warner, NRD –

- a) Walleye Pond Operations 2009 – There are two rearing ponds, one reservoir pond and one cattle watering facility. Total cost: \$300,653.00. The ponds were completed November 2008. The 2009 source stock will come from Bay Mills and will be stocked in Huron Bay and Keweenaw Bay.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE BROOD STOCK AND WALLEYE REARING PLANS, STOCKING PLAN AND VHS DISEASE CONSIDERATIONS. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) KBIC Spring Cleanup 2009 Proposal for June

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE CURBSIDE SERVICE FOR SPRING CLEANUP FOR TRIBAL MEMBERS ON THE RESERVATION. SUPPORTED BY ISABELLE H. WELSH. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) Brownfield Site Assessment Activities for FY2009 - FYI
- d) NRD Fishery Assessments for FY2009 - FYI

6. Judy Heath, Social Services Director/Sarah Smith, Assistant CEO – Title IV-E Options. Title IV-E is a federal program that provides funds for foster care payments, adoption assistance payments, kinship guardianship payments (optional), and related administration and training costs.

MOTION MADE BY ELIZABETH D. MAYO TO MOVE FORWARD WITH THE TITLE IV-E GRANT APPLICATION. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Isabelle H. Welsh), ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

7. Lynn Haataja, Interim General Manager – Copier Purchase (3) bids– Preference is Office Planning Group

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE PURCHASE OF A COPIER FROM THE OFFICE PLANNING GROUP IN THE AMOUNT OF \$9,463.00. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Enterprise Employee Grievance Hearing Case #009-09 -

MOTION MADE BY JENNIFER MISEGAN TO UPHOLD THE GENERAL MANAGER’S DECISION IN GRIEVANCE HEARING CASE #009-09. SUPPORTED BY ISABELLE H. WELSH. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, THREE ABSTAINING (Susan J. LaFerner, Jerry Lee Curtis, Elizabeth D. Mayo), ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Enterprise Employee Grievance Hearing Case #010-09 –

MOTION MADE BY ISABELLE H. WELSH TO OVERTURN THE GENERAL MANAGER’S DECISION IN GRIEVANCE HEARING CASE #010-09 AND REMOVE THE FIVE DAY SUSPENSION FROM THE EMPLOYEE’S PERSONNEL FILE, REPLACE THE ANNUAL AND SICK LEAVE ACCRUAL AND GRANT BACK PAY. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Jennifer Misegan), TWO ABSTAINING (Jerry Lee Curtis, Elizabeth D. Mayo), ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Jennifer Misegan stated her opposition: She did not feel a suspension was necessary but did feel some disciplinary action should have been taken.

Enterprise Employee Grievance Hearing Case #011-09 –

MOTION MADE BY WILLIAM E. EMERY TO REINSTATE THE EMPLOYEE IN CASE #011-09 WITH BACK PAY FROM MARCH 17, 2009.

Motion died for lack of support.

MOTION MADE BY JENNIFER MISEGAN TO REINSTATE THE EMPLOYEE IN THE APPEAL OF TERMINATION HEARING CASE #011-09 AND DENY THE ADDITIONAL REQUESTS IN THE GRIEVANCE. SUPPORTED BY MICHAEL F. LAFERNIER, SR.

MICHAEL F. LAFERNIER, SR. WITHDREW HIS SUPPORT.

MOTION MADE BY JENNIFER MISEGAN TO REINSTATE THE EMPLOYEE IN THE APPEAL OF TERMINATION HEARING CASE #011-09 AND DENY THE ADDITIONAL REQUESTS IN THE GRIEVANCE. SUPPORTED BY ELIZABETH D. MAYO. THREE IN FAVOR (Jennifer Misegan, Fred Dakota, Elizabeth D. Mayo), SEVEN OPPOSED (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION DEFEATED.

MOTION MADE BY WILLIAM E. EMERY TO REINSTATE THE EMPLOYEE IN THE APPEAL OF TERMINATION HEARING CASE #011-09 WITH TWO WEEKS OF BACK PAY FOR A TOTAL OF 80 HOURS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

[The Council will meet tomorrow at 1:00 p.m. for the remaining Agenda items]

J. Closed Session:

4. Summer Cohen, THPO – Transcribing Services Agreement
5. Carole LaPointe, Health Director – RD Contracts (2)
6. Gary Loonsfoot, Jr., Language Coordinator – Language Instructor Services Agreement
7. Todd Warner, NRD – Power Dam Road Property Assessment
8. Sarah Smith, Assistant CEO – BIA Budgets
9. Larry Denomie III, CEO
10. John Baker, Attorney
11. Warren C. Swartz, Jr., President – U.S. Attorney Visit

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:31 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist