

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – JUNE 18, 2009 – 9:00 A.M.**

- A. Date: June 18, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Susan J. LaFerner, Vice-President (arrived at 9:59 a.m.)  
Toni J. Minton, Secretary  
William E. Emery, Assistant Secretary  
Jennifer Misegan, Treasurer  
Jerry Lee Curtis  
Fred Dakota  
Michael F. LaFerner, Sr. (left 9:49 – 10:14 a.m., left at 3:06 p.m.)  
Gary F. Loonsfoot, Sr. (arrived at 9:11 a.m., left at 2:41 p.m.)  
Elizabeth "Chiz" Matthews  
Elizabeth D. Mayo (left at 4:28 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: June 18, 2009
- Additions: New Business- 1. b) Eddy Edwards, OHA – ICDBG  
5. Larry Denomie – Replace Airport Parking Lot with Refrigerated Truck – additional funds request  
8. Isabelle Welsh – Tribal Member Concern  
Closed Session- 7. Jennifer Misegan – Guaranteed Loan Default

**MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (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, ONE ABSENT (Susan J. LaFerner), MOTION CARRIED.**

G. For Your Information:

1. Circle of Flight – Midwest Region Habitat Restoration Booklets/Map Information regarding KB
2. Grand Traverse Band of Ottawa & Chippewa Indians Compensation Committee Request
3. Official Notification that the Ojibwa Casino WICS Review Committee has reappointed Francois LaPointe, CFO, as the committee chairperson for another one year term effective June 11, 2009

H. Approval of Meeting Minutes:

1. May 18, 2006

**MOTION MADE BY GARY F. LOONSFOOT, SR TO APPROVE THE MAY 18, 2006 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Jerry Lee Curtis, Isabelle H. Welsh), ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.**

I. New Business:

1. Eddy Edwards, OHA Director/Kristen Wakeham, OHA/Angie Olson, OHA/Jim Stingle, Grant Writer/Sarah Smith, Assistant CEO/Jean Jokinen, Grant Writer –
  - a) 2010 Indian Housing Plan

Discussion was on the issue of HUD attorneys unwilling to accept land leases and problems with trust properties. The only place to receive funding is through USDA and the Chippewa Valley Bank for Section 184 Loan Guarantee Program.

The Council would like to meet with Jeff Sachs at I.H.S. and Brian Willoughby, E.I.T. to discuss the issue of projects and why there is a delay in the waterline projects.

Jennifer Misegan had changes on page 23. ‘Family Independence Agency’ should be changed to ‘Department of Human Services’ and the listing of the four heating assistance programs, change ‘Inter-Tribal Council of Michigan’ to the Tribe’s ‘Community Assistance Program’ through LIHEAP.

The Indian Housing Plan must be submitted by the end of June to HUD.

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE INDIAN HOUSING PLAN FOR FY10 WITH THE CHANGES. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.**

**Break: 9:49 – 9:59 a.m.**

**Mike LaFernier, Sr. left at 9:49 a.m.**

**Susan LaFernier arrived at 9:59 a.m.**

b) HUD – ICDBG/NAHBG (Native American Housing Block Grant) Program Funding

OHA submitted a grant from NAHBG stimulus money for \$2 million for low income home ownership in the Beartown Development and will be funded on a first come first serve basis.

**Mike returned at 10:14 a.m.**

Fred Dakota questioned why Housing doesn't offer Tribal members to buy the project homes. He asked if they would send surveys to the people regarding purchasing the homes.

Mike LaFernier stated they could rent to own.

Eddy stated it would be possible but the consequences would be that the homes cannot be serviced by Housing Maintenance.

Sarah Smith stated there is HUD ICDBG stimulus funds available to current grant holders, not specifically for housing that can be used towards the Early Childhood Education Center. The Tribe will have to prioritize the projects.

KBIC will work with OHA to apply for grants under 501.C3 required grants.

The Tribe could have possibly applied also for the new Child Care Center. Housing's application is now first priority. Eddy Edwards stated that due to the scoring in the priority list, it would be risky to withdraw their application. The Tribe will submit a second application.

Susan LaFernier stated that had the Tribe known about the first application the two could have been combined.

2. Gary Loonsfoot, Sr. – Schedule 3<sup>rd</sup> Reading OHA Ordinance Amendment 2009-02

Elizabeth Mayo inquired about the information on the authority of OHA and competing against the Tribe that was requested from Mr. Baker. This will be provided later in the day.

The 3<sup>rd</sup> Reading is scheduled for June 25, 2009.

3. David Osmak, Forester – Resolution KB-1694-2009 Timber Salvage Harvest on Pinery Road – when complete it will look like a clear cut but the aspen needs to all be cut and they would leave the pines standing

**MOTION MADE BY JENNIFER MISEGAN TO POSTPONE RESOLUTION KB-1694-2009 TIMBER SALVAGE HARVEST ON PINERY ROAD FOR UP TO 90 DAYS. SUPPORTED BY WILLIAM E. EMERY. 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), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Mike LaFernier, Sr. stated his opposition: He feels the poplar may die before the 90 days are up.

4. Sarah Smith, Assistant CEO –

a) Resolution KB-1689-2009 – Replace Chiller System at the Donald A. LaPointe Health & Education Center - \$143,708.00 from I.H.S. stimulus funding.

b) Resolution KB-1690-2009 – A.S.A.F. Safety, Accessibility and Facility Repairs at the New Day Treatment Center - \$141,719.00 from I.H.S. stimulus funding.

Sarah Smith will be the project manager.

**MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1689-2009 I.H.S. CHILLER SYSTEM AND RESOLUTION KB-1690-2009 I.H.S. ASAP SAFETY, ACCESSIBILITY AND FACILITY REPAIRS. SUPPORTED BY WILLIAM E. EMERY. 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.**

[Skip to Closed Session]

J. Closed Session:

1. Amy St. Arnold, Education/Gail Juntunen, Even Start – Department Head Update
2. Francis LaPointe, Jr., CFO - Department Head Update
3. Gregg Nominelli, Economic Developer - Feasibility Report: Dr. Klink, Strategic Business Solutions, Inc.
4. John Baker, Attorney
5. Larry Denomie III, CEO
6. Warren C. Swartz, Jr., President – Tribal Member Request #KB-18-09 Mathew Shalifoe, Jr.
7. Jennifer Misegan, Treasurer – Guaranteed Loan Default

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 11:05 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**Break: 11:06 – 11:17 a.m.**

**Lunch: 11:55 a.m. – 1:00 p.m.**

**Gary Loonsfoot, Sr. left at 2:41 p.m.**

**Mike LaFernier, Sr. left at 3:06 p.m.**

**Break: 3:06 – 3:15 p.m.**

**Elizabeth Mayo left at 4:28 p.m.**

**MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 4:29 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

**MOTION MADE BY FRED DAKOTA TO APPROVE A DONATION OF \$250.00 TO MATHEW SHALIFOE, JR. REQUEST #KB-18-09 FOR MEDICAL ASSISTANCE. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

[Return to New Business]

5. Jason Ayres, Realty -

a) Resolution KB-1691-2009 – Darlene Genschow Residential Lease

**MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1691-2009 DARLENE GENSCHOW RESIDENTIAL LEASE. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

b) Resolution KB-1692-2009 – Jason Forcia Residential Lease

**MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1692-2009 JASON FORCIA RESIDENTIAL LEASE. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

6. Isabelle Welsh – Tribal Member Concern – Incident involving Chris Chosa’s son and the Baraga Area School. The Council will refer his concerns to Amy St. Arnold, Education Director.
7. Gregg Nominelli, Economic Developer – Resolution KB-1693-2009 BIA Wind Turbine Grant for Fish Hatchery for funding of a wind monitoring and energy production and evaluation project.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE KB-1693-2009 (No budget or narrative was attached) - William Emery withdrew his motion.

8. Larry Denomie III, CEO – Refrigerated Truck additional funding request for an upgraded 2009 model

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE UP TO \$776.00 IN ADDITIONAL FUNDS FOR THE COMMODITY FOODS REFRIGERATED TRUCK PURCHASE PENDING THE USDA APPROVAL OF UP TO 75%. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

Gregg Nominelli was called and the grant needs to be submitted tomorrow.

**MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1693-2009 BIA WIND TURBINE GRANT FOR FISH HATCHERY. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY TONI J. MINTON TO ADJOURN AT 4:40 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist