

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – OCTOBER 22, 2009 – 9:00 A.M.**

- A. Date: October 22, 2009
- B. Call to Order: Vice President LaFernier called the meeting to order at 9:20 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Susan J. LaFernier, Vice President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer
Jerry Lee Curtis (arrived at 9:25 a.m., left 12:44 – 3:30 p.m.)
Michael F. LaFernier, Sr. (arrived at 9:26 a.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (left 12:26 – 2:59 p.m., left at 5:00 p.m.)
Isabelle Helene Welsh (left at 2:58 p.m.)
- Absent: Warren C. Swartz, Jr., President
Fred Dakota
Gary F. Loonsfoot, Sr.
- E. Declaration of Quorum: Vice President LaFernier declared a quorum present and proceeded with the order of business.

Jerry Lee Curtis arrived at 9:25 a.m.

Mike LaFernier, Sr. arrived at 9:26 a.m.

- F. Approval of Agenda: October 22, 2009

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| Additions: | New Business- | 7. Larry Denomie, CEO – Addition of Project HOPE to CEDS List |
| | Old Business- | 1. Jennifer Misegan – b) OHA Financials |
| | Closed Session- | 7. Susan LaFernier – John Bussey & Gaming Commission Issues |

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

[Closed Session – 7. Susan LaFernier, Vice President/John Bussey - Gaming Commission Issues]

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 9:29 A.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 10:00 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

G. For Your Information:

1. I.T.C. Head Start and Early Head Start FY08 Annual Report for Review
2. Midwest Region Division of Fee to Trust new MOU or extend current MOU by March 30, 2010 for 3 years – Jason Ayres will review
3. M.A.S.T. Fall Meeting - December 2-3, 2009 Mole Lake Casino Lodge Conference Center
4. A copy of the Gaming Commission Minutes from 9/15/09 & 9/29/09
5. Letter of Resignation effective January 1, 2010 – Dale Shalifoe, Gaming Commissioner

H. Old Business:

1. Jennifer Misegan –
 - a) Schedule 2nd Reading - Amendments to Gaming Regulatory Proposed Ordinance 2009-04 and Gaming Commission Proposed Ordinance 2009-05

The 2nd Reading is scheduled for Thursday, October 29, 2009 at 5:00 p.m. in the Tribal Center Conference Room with a review at 4:00 p.m.

b) Ojibwa Housing Authority Financials Request

MOTION MADE BY JENNIFER MISEGAN TO GET THE MONTHLY FINANCIAL REPORTS FROM OJIBWA HOUSING AUTHORITY AND THEIR BUSINESSES AS SOON AS POSSIBLE. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Mike LaFernier, Sr. out of the room)

I. New Business:

1. Arlan Friisvall, Maintenance – 2010 Ford F250 4x4 Plow Truck Bids (3)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BID FROM BIG VALLEY FORD IN THE AMOUNT OF \$24,938.00 FOR THE MAINTENANCE PLOW TRUCK. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

2. Jason Ayres, Realty Officer –

- a) Real Estate Office Truck Bids (6)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BID FROM BIG VALLEY FORD IN THE AMOUNT OF \$18,305.00 FOR A 2010 FORD RANGER XLT SUPERCAB 4X4 TO BE PURCHASED FROM THE GENERAL FUND AND TO BE LEASED TO THE BIA. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) Graphtec Scanner Bids (3)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE PURCHASE OF A SCANNER FOR THE REALTY DEPARTMENT TO BE PAID OUT OF THE ANA LAND USE GRANT FROM PALISADES RESEARCH IN THE AMOUNT OF \$11,895.00. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 10:38 – 10:50 a.m.

3. Robin Chosa, TERO – AmeriCorps Planning Grant

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TERO OFFICE TO MOVE FORWARD WITH APPLYING FOR THE AMERICORPS PLANNING GRANT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Jennifer Misegan out of the room)

4. Todd Warner, NRD –

- a) U.S. Geological Survey – Joint Funding Agreement FY2010 Yellow Dog Plains (3) Stream Gauges on the Salmon-Trout and Yellow Dog Rivers – KBIC \$45,280.00 – USGS \$15,000.00

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE THREE STREAM GAUGES WITH THE U.S. DEPARTMENT OF INTERIOR U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT FOR WATER RESOURCES INVESTIGATIONS. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) U.S. Fish and Wildlife Service – Reimbursable Agreement – Fish Health Inspection 3-year Agreement 2010-2012

MOTION MADE BY WILLIAM E. EMERY TO APPROVE \$2,685.00 PER YEAR FOR THREE YEARS FOR THE REIMBURSABLE AGREEMENT BETWEEN THE U.S. FISH AND WILDLIFE SERVICES DEPARTMENT OF THE INTERIOR AND KBIC. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) Michigan Technological University – Sand Point Wetland Restoration Research Proposal to restore Native Wetland vegetation at Sand Point Pond - Council consensus was to approve the proposal.

J. Closed Session:

1. Judy Heath, Social Services Director - Title IV-E Consultant Agreement

2. Deve Sever, Radio Station Manager – Mark Pruchniewski Services Agreement
3. Gregg Nominelli, Economic Developer –
 - a) Olympic Steel Lease
 - b) Net/Comm Proposal
4. John Baker, Attorney
5. Jennifer Misegan, Treasurer – Small Business Guarantee Loan Program
6. Larry J. Denomie III, CEO

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:14 A.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Elizabeth Mayo left at 12:26 p.m.

Jerry Lee Curtis left at 12:44 p.m.

Lunch: 12:53 – 2:05 p.m.

Isabelle Welsh left at 2:58 p.m.

Elizabeth Mayo returned at 2:59 p.m.

Break: 3:18 – 3:30 p.m.

Jerry Lee Curtis returned at 3:30 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:48 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

[New Business]

5. Jennifer Misegan, Treasurer –
 - a) Proposed 2009 Christmas Gift Check Timeline

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE CHRISTMAS GIFT CHECK TIMELINE FOR 2009. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

- b) Defined Roles of Executive Board Members – Jennifer requested the Executive Board list their duties, roles and responsibilities and bring to Council in a month.

Elizabeth Mayo left at 5:00 p.m.

Mark Pruchniewski Services Agreement – August 28, 2009 to November 30, 2010 – Radio Stations play-by-play man during live broadcasts

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE MARK PRUCHNIEWSKI SERVICES AGREEMENT, ENDING NOVEMBER 30, 2010. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Jennie Lynn Weiger Consultant Agreement to provide Title IV-E consulting services – November 2009 to September 2011

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE JENNIE LYNN WEIGER CONSULTANT AGREEMENT FOR THE SOCIAL SERVICES DEPARTMENT FOR \$28,000.00. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

6. Larry Denomie III, CEO – Addition of Project HOPE (Helping Our People Envision) to WUPPDR CEDS List - a short-term live-in facility for those who are homeless or near homeless

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE WUPPDR CEDS LIST ADDITIONS AS PRESENTED BY GREGG NOMINELLI. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

7. Vice President LaFernier – Helen Tollefson Request for Snow Plowing (she does not reside on the Reservation)

MOTION MADE BY TONI J. MINTON TO DENY THE REQUEST OF HELEN TOLLEFSON FOR SNOWPLOWING PER THE POLICY. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FOUR IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ONE OPPOSED (Michael F. LaFernier, Sr.), ONE ABSTAINING (Jennifer Misegan), FIVE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Mike LaFernier, Sr. stated his opposition: He feels seniors should get plowed out.

K. Adjournment:

MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 5:15 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist