

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – DECEMBER 11, 2008 –9:00 A.M.**

- A. Date: December 11, 2008
- B. Call to Order: Vice-President LaFernier called the meeting to order at 9:08 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 (left 10:34 – 10:53 a.m.)
Larry J. Denomie III, CEO
Doreen G. Blaker (arrived at 9:25 a.m., left 10:34 a.m. – 3:02 p.m.)
Jerry Lee Curtis (arrived at 10:10 a.m.)
Michael F. LaFernier, Sr. (arrived at 10:30 a.m., left at 3:17 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (arrived at 1:08 p.m.)
Fred Dakota (left 10:22 a.m. – 1:05 p.m.)

Absent: Warren C. Swartz, Jr., President

- E. Declaration of Quorum: Vice-President LaFernier declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 11, 2008

Additions: Approval of Meeting Minutes- 2. October 4, 2008
New Business- 3.b) Larry Denomie – Special Deer Tag Request

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

G. For Your Information:

1. Gaming Commission Meeting Minutes from 10/16/08, 10/28/08, & 11/10/08
2. A copy of the Godfrey & Kahn Indian Nations Law Update
3. Invitations for Baraga and Marquette Casino Christmas Parties – Baraga’s Party, December 14th, is at the Whirl-I-Gig 6 p.m. – Midnight and Marquette’s Party, December 21st, is at the Ramada Inn 6 p.m. - Midnight
4. Bully Proofing Training – December 15-16, 2008 – L’Anse American Legion Building

H. Approval of Meeting Minutes:

1. February 16, 2006

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE FEBRUARY 16, 2006 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FIVE IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), FIVE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

2. October 4, 2008

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 4, 2008 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Larry J. Denomie III), FIVE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Doreen Blaker arrived at 9:25 a.m.

I. New Business:

1. Todd Warner, Natural Resource Department – (3) Vehicle Purchase Bids

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE PURCHASE OF A 2008 CHEVROLET COLORADO FOUR-WHEEL DRIVE REGULAR CAB PICK-UP TRUCK IN THE AMOUNT OF \$16,757.30 FROM KISSEL CHEVY-OLDS, INC. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

2. Larry Denomie III, CEO –

- a) Enterprise Christmas Party Donation from Council – Last year the Council gave \$1,000.00 for drinks. The Enterprises requested gift cards or Pines cards this year.

MOTION MADE BY JENNIFER MISEGAN TO DONATE \$1,000.00 TO EACH PARTY AND TO HAVE THEM DECIDE HOW TO SPEND IT AND TO INCLUDE IT IN THEIR BUDGET FOR FY 2010. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

- b) Special Deer Tag Request – Victor Miron requested four deer tags to donate to the Salvation Army in Ishpeming for their food pantry. Jennifer Misegan will contact Liz Nevala and ask if they can accept wild game.

MOTION MADE BY TONI J. MINTON TO TABLE THE REQUEST UNTIL FURTHER INFORMATION IS RECEIVED. SUPPORTED BY LARRY J. DENOMIE III. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Break: 9:37 – 9:53 a.m.

- 3. Paul DesRochers, Jr., CARE Co-Chairman/Gregg Nominelli, Economic Developer/Sarah Smith, Assistant CEO - CARE Committee Recommendation for Energy Review of Health Center Renovation Project – Paul gave the Committees recommendation for an assessment for an energy audit review of the Health Center renovation project. It was the consensus of the Council to move forward with the project assessment. There are a couple of companies that can do these assessments. The Council also suggested Jeff Lamson, Facilities Manager of the Resort, be included on the Committee.

Jerry Lee Curtis arrived at 10:10 a.m.

- 4. Susan LaFernier, Vice-President/John Baker, Attorney/Chuck Brumleve, Mining Specialist/Todd Warner, NRD –
 - a) Proposed Ordinance 2008-05 – 1st Reading Chapter A KBIC Mineral Exploration and Mining Regulatory Ordinance [See Legislative File]

Vice-President LaFernier introduced the Ordinance and read the Legislative Process regarding the 1st Reading. She also thanked Todd, Chuck, and John for all of their work for many years on this ordinance.

Mr. Baker discussed the legalities of the ordinance at length. The ordinance took three years to write and is 78 pages.

Fred Dakota left at 10:22 a.m.

Mike LaFernier arrived at 10:30 a.m.

Doreen Blaker left at 10:34 a.m.

Jennifer Misegan left 10:34 – 10:53 a.m.

MOTION MADE BY JENNIFER MISEGAN TO WAIVE THE 1ST READING OF THE MINING ORDINANCE 2008-05. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), FOUR ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota), MOTION CARRIED.

MOTION MADE BY LARRY J. DENOMIE III TO MOVE JANUARY 3, 2009, SATURDAY’S REGULAR JANUARY MEETING, TO JANUARY 10, 2009. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota), MOTION CARRIED.

The Council scheduled the 2nd Reading for January 8th at 6:00 p.m. Location to be announced.

The Proposed Ordinance will be distributed throughout the Reservation and advertisements will go out informing Tribal Members of the 2nd Reading and where copies are available. It will also be placed on the Tribal website.

b) Daily Mining Gazette 2009 Calendar Advertisement

MOTION MADE BY JENNIFER MISEGAN TO APPROVE \$350.00 FOR ADVERTISING DURING THE MONTH OF JULY AND ADVERTISE THE POWWOW DATES. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota), MOTION CARRIED.

[Later the Gazette cancelled this offer]

5. John Baker, Attorney – New Business License - Evelyn Ravindran – Woodland Gifts

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE BUSINESS LICENSE FOR EVELYN RAVINDRAN FOR WOODLAND GIFTS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota), MOTION CARRIED.

Jennifer Misegan reported that she spoke with Liz Nevala and was told that Liz had not spoken with Victor Miron, regarding the deer tag request.

MOTION MADE BY JENNIFER MISEGAN TO DENY THE REQUEST FROM VICTOR MIRON FOR THE SPECIAL DEER TAGS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota), MOTION CARRIED.

J. Closed Session:

1. Carole LaPointe, Health Director –
 - a) Dale Schmeisser, R.D., Ph.D. – Professional Services Agreement
 - b) Baraga County Memorial Hospital Pediatric Physician Professional Services Agreement
2. Jerry Lee Curtis, New Day Director – In-house Promotion Full-time to a Unit Manager
3. Budget Reviews – Francis LaPointe, Sarah Smith, Dawn Richards
4. John Baker, Attorney
5. Larry Denomie III, CEO –
 - a) OCC Memorandum of Agreement
 - b) Personnel Issue – **3:30 p.m.**
 - c) Departmental Christmas Parties

MOTION MADE BY LARRY J. DENOMIE III TO GO INTO CLOSED SESSION AT 11:26 A.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota), MOTION CARRIED.

Break: 11:27 – 11:38 a.m.

Lunch: 11:50 a.m. – 1:05 p.m.

Fred Dakota returned at 1:05 p.m.

Elizabeth Mayo arrived at 1:08 p.m.

Doreen Blaker returned at 3:02 p.m.

Break: 3:04 – 3:17 p.m.

Mike LaFernier left at 3:17 p.m.

MOTION MADE BY TONI J. MINTON TO GO INTO OPEN SESSION AT 4:20 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFernier, Sr.), MOTION CARRIED.

New Day In-House Promotion-

MOTION MADE BY JENNIFER MISEGAN TO APPROVE AN IN-HOUSE PROMOTION FOR JOSHUA EAGLE TO FULL-TIME UNIT MANAGER. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, TWO ABSTAINING (Jerry Lee Curtis, Elizabeth D. Mayo), TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFernier, Sr.), MOTION CARRIED.

Pediatrician Professional Services Agreement-

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN KBIC AND BARAGA COUNTY MEMORIAL HOSPITAL FOR PEDIATRICIAN SERVICES. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFernier, Sr.), MOTION CARRIED.

Dale Schmeisser WIC Professional Services Agreement-

MOTION MADE BY TONI J. MINTON TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH DALE SCHMEISSER FOR WIC. SUPPORTED BY LARRY J. DENOMIE III. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFernier, Sr.), MOTION CARRIED.

OCC Memorandum of Agreement-

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE KBIC AND THE OCC. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFerner, Sr.), MOTION CARRIED.

Margaret Dunn Sick Leave Accrual Request-

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE SICK LEAVE ACCRUAL REQUEST BY MARGARET DUNN. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFerner, Sr.), MOTION CARRIED.

Retro Sick and Annual Leave Accrual-

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE ANY EMPLOYEE CURRENTLY WORKING FOR THE TRIBE THAT HAS BEEN DENIED SICK AND ANNUAL HOURS THAT FELL UNDER THE LEAVE ACCRUAL THAT DID NOT SUBMIT THEIR LETTER BE GRANTED THEIR SICK AND ANNUAL HOURS BEYOND THE THREE MONTHS. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFerner, Sr.), MOTION CARRIED.

New Day Request for Staff Gift Cards-

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE NEW DAY REQUEST FOR \$50.00 GIFT CARDS OUT OF THEIR FUNDS AND NOT FROM TRIBAL FUNDS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FIVE IN FAVOR (Toni J. Minton, William E. Emery, Doreen G. Blaker, Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, FOUR ABSTAINING (Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth D. Mayo), TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFerner, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:35 P.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFernier, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary