

KEWEENAW BAY INDIAN COMMUNITY

2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
ELIZABETH D. MAYO, Vice-President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
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Baraga, Michigan 49908
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ROBERT R.D. CURTIS, JR.
FRED DAKOTA
JEAN JOKINEN
MICHAEL F. LAFERNIER, SR.
CAROLE L. LAPOINTE
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.

Dec 17 1930

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – NOVEMBER 21, 2013 – 9:00 A.M.**

APPROVED
3-12-15

- A. Date: November 21, 2013
- A. Call to Order: President Swartz called the meeting to order at 9:09 a.m.
- B. Invocation: Lord's Prayer and prayers for the hunters
- C. Roll Call: Present: Warren C. Swartz, Jr., President (left 10:41 a.m. – 1:03 p.m.)
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Robert R.D. Curtis, Jr. (left at 11:37 a.m.)
Fred Dakota
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe (arrived at 9:13 a.m.)
Elizabeth "Chiz" Matthews
Absent: Toni J. Minton, Assistant Secretary
Jennifer Misegan, Treasurer
Don Messer, Jr.
- D. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- E. Approval of Agenda: November 21, 2013
- Deletion: New Business- 4. Diana Chaudier, Election Board Chair – Alternate Board Member Selection and Vacancy

MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE DELETION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Jennifer Misegan, Carole L. LaPointe, Don Messer, Jr.), MOTION CARRIED.

F. For Your Information:

1. U.S. District Court Western District of Michigan Amended Case Management Order Schedule for I.H.S. Contract Support Costs Case-September 8, 2014 non-jury trial in Grand Rapids, MI with Judge Bell. A settlement conference will be held on December 10, 2013 in Marquette.
2. Letter from Dan Benishek M.D., member of Congress, Michigan's 1st District-Congratulations on KBIC's Natural Resources Department Environmental Justice Grant Award from EPA
3. Letter from Dan Benishek M.D. member of Congress, Michigan's 1st District-Congratulations on KBIC's U.S. Department of Transportation TTP Safety Funding Grant Award for highway safety issues
4. Registered Voters List for General Election 2013
5. Betsy Ross Proposal for Tribal Council Meeting Meals
6. Students of *Contemporary Issues in Native America* (Violet Friisvall Ayres' Class will be in attendance at 1:00 p.m.)

Carole LaPointe arrived at 9:13 a.m.

G. Old Business:

1. Nikki Reenders-Arens, Youth Programs Coordinator/Sarah Maki, Assistant CEO – Youth Activity Fund Guidelines Revision/Clarifications regarding enrollment and parental custody.

H. New Business:

1. Bruce LaPointe, Projects Manager – J.E. Hendrickson Excavating, Inc. Services Agreement for I.H.S. Septic Installation \$19,650.00

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SERVICES AGREEMENT WITH J.E. HENDRICKSON EXCAVATING, INC. FOR THE I.H.S. SEPTIC SYSTEM INSTALLATION IN DOLLAR BAY. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Jennifer Misegan, Don Messer, Jr.), MOTION CARRIED.

2. Lindy Grell, Tribal Attorney/Mitch Bolo/Levi Tadgerson – New Business License Application for Bolo Productions

Mitch is going to update his address on the application to his current residence on Cardinal Circle and request permission in writing from the Ojibwa Housing Authority Board to conduct business at his rental unit.

3. David Haataja, Baraga Casino General Manager/Dotti Pryor, Pressbox Manager – ALK Contracting, Inc. Services Agreement for Press Box Gas Line Installation and hook up of new equipment

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE ALK CONTRACTING, INC. SERVICES AGREEMENT FOR THE PRESSBOX GAS LINE INSTALLATION UPGRADE IN THE AMOUNT OF \$1,950.00. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Jennifer Misegan, Don Messer, Jr.), MOTION CARRIED.

Break: 10:02 – 10:25 a.m.

4. Diana Chaudier, Election Board Chair – Alternate Board Member Selection and Vacancy (This was added back on the agenda) – Brenda Brunk was drawn from numbered ballot slips.
5. Jean Jokinen, Grant Writer/Jason Ayres – Resolution KB-1966-2013 Michigan Lighthouse Assistance Program (MLAP) Grant Application \$60,000.00 with \$30,000.00 match- The grant requires an easement with State law language. Research will be done to try and receive federal dollars through THPO instead of the State.
6. Vice President Mayo – Schedule November 26 Meeting (Tuesday) – By Council consensus.
7. Susan LaFERNIER, Secretary – Schedule Enterprise Employee Grievance Hearing Case #007-13 - The hearing was scheduled for December 5, 2013 at 11:00 a.m.

I. Closed Session:

1. Susan LaFERNIER, Secretary/Charles Brumleve, Mining Specialist – Dragun Corporation Proposed Contract for expert to review Eagle Mine Groundwater Discharge (Waste Water Treatment) Permit Amendment
2. Enterprise Employee Grievance Hearing Case #006-13

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:38 A.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Jennifer Misegan, Don Messer, Jr.), MOTION CARRIED.

President Swartz left at 10:41 a.m.

MOTION MADE BY JEAN JOKINEN TO GO INTO OPEN SESSION AT 11:27 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Jennifer Misegan, Don Messer, Jr.), MOTION CARRIED.

Enterprise Employee Grievance Case #006-13 – Regarding the Marketing Manager Position

MOTION MADE BY CAROLE L. LAPOINTE TO ACKNOWLEDGE COURTNEY SWARTZ’S GRIEVANCE AND THAT REGRETFULLY WE HAVE ALREADY MADE A DECISION TO HIRE ANOTHER CANDIDATE THAT WAS INTERVIEWED AND HER IDEAS WILL BE TAKEN INTO CONSIDERATION FOR FUTURE HIRING DECISIONS AND WE APOLOGIZE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Jennifer Misegan, Don Messer, Jr.), MOTION CARRIED.

Susan LaFERNIER stated: I also apologize to all of the tribal members that were not able to apply for the Marketing Director position because it should have been reposted.

Lunch: 11:36 a.m. – 1:03 p.m.

Robert R.D. Curtis, Jr. left at 11:37 a.m.

President Swartz returned at 1:03 p.m.

**2nd Reading Proposed Ordinance 2013-04 Tribal Code Title Twenty Natural Resources
Chapter 20B KBIC Mining Moratorium**

President Swartz read the Legislative Process (Public Hearing Procedures)
[See Legislative File]

Present:

President Swartz, Elizabeth Mayo, Susan LaFERNIER, Fred Dakota, Jean Jokinen, Mike LaFERNIER, Sr., Carole LaPointe, Elizabeth Matthews, Dan MacNeil, Charles Brumleve, Lori Sherman, Don Carlson, Lindy Grell, Peggy Loonsfoot

Verbal comments were received by Don Carlson. He believes our lifestyle is going to be damaged on the reservation. He would like to acquire the mineral rights and he would like to see a type of recourse be added after 20 years.

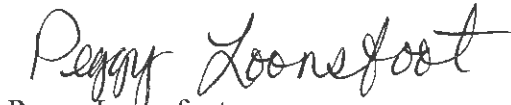
Verbal comments were received by Charles Brumleve. He suggested Lori Sherman, Natural Resources Director, be delegated as the enforcer in the ordinance or a police or conservation officer. He suggested a Stop Order Form be developed and procedures to follow during a violation. He also stated there is controversy with the State over jurisdiction regarding the authority over mining.

President Swartz concluded the hearing at 1:25 p.m.

J. Adjournment:

MOTION MADE BY ELIZABETH "CHIZ" MATTHEWS TO ADJOURN AT 1:26 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Don Messer, Jr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loensfoot
Administrative Specialist

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C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Elizabeth D. Mayo, Vice President
- ___ Susan J. LaFerner, Secretary
- ___ Toni J. Minton, Assistant Secretary
- ___ Jennifer Misegan, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Jean Jokinen
- ___ Michael F. LaFerner, Sr.
- ___ Carole L. LaPointe
- ___ Elizabeth "Chiz" Matthews
- ___ Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: November 21, 2013

G. For Your Information:

1. Amended Schedule for I.H.S. CSC Case
2. KBIC's Natural Resources Department Environmental Justice Grant Award Letter
3. KBIC's U.S. Department of Transportation TTP Safety Grant Award Letter
4. Registered Voters List for General Election 2013
5. Betsy Ross Proposal for Tribal Council Meals
6. Students of *Contemporary Issues in Native America* (Violet Friisvall Ayres' Class will be in attendance today at 1:00 p.m.)

H. Old Business:

1. Nikki Reenders-Arens, Youth Programs Coordinator/Sarah Maki, Assistant CEO – Youth Activity Fund Guidelines Revision

I. New Business:

1. Bruce LaPointe, Projects Manager – J.E. Hendrickson Excavating, Inc. Services Agreement for I.H.S. Septic Installation
2. Lindy Grell, Tribal Attorney/Mitch Bolo/Levi Tadgerson – New Business License Application
3. David Haataja, Baraga Casino General Manager/Dotti Pryor, Pressbox Manager – ALK Contracting, Inc. Services Agreement for Press Box Gas Line Installation
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2. Enterprise Employee Grievance Hearing Case #006-13 – 11:00 a.m.

K. Adjournment:

**2nd Reading Proposed Ordinance 2013-04 Tribal Code Title Twenty Natural Resources
Chapter 20B KBIC Mining Moratorium – 1:00 p.m.**