

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
WEDNESDAY – DECEMBER 21, 2011 – 9:00 A.M.

- A. Date: December 21, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:14 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFerner, Secretary
Toni J. Minton, Assistant Secretary (arrived at 10:18 a.m.)
Elizabeth D. Mayo, Treasurer
Jerry Lee Curtis
Eddy Edwards
Michael F. LaFerner, Sr.
Gary F. Loonsfoot, Sr.
Elizabeth “Chiz” Matthews
Isabelle Helene Welsh
- Absent: Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 21, 2011
- | | | |
|------------|-----------------|---|
| Additions: | FYI- | 5. Response Letter regarding LIHEAP Audit
6. Press Release from President Swartz regarding Larry Echo Hawk, Assistant Secretary Indian Affairs – Approval of Two-Part Gaming Application |
| | Old Business- | 2. David Haataja, Casinos General Manager – Taxes Due on Shuttle Bus and Truck Purchases |
| | Closed Session- | 2. Chris Chosa, THPO Director – Timber Harvest on Beartown Road |

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

G. For Your Information:

1. A letter from the Alcohol and Tobacco Tax and Trade Bureau regarding Excise Tax
2. SNB KBIC Guaranteed Loan Program Account Summary December 15, 2011
3. A letter from Keweenaw Financial Corporation regarding Shareholder Dividends (Special and Quarterly)
4. Ojibwa BP Environmental Health & Safety Survey Report
5. Response Letter addressing the findings in the LIHEAP Audit
6. Press Release from President Swartz December 20, 2011 regarding Larry Echo Hawk, Assistant Secretary Indian Affairs – Approval of Two-Part Gaming Application for the proposed gaming facility in Marquette County. The Governor of Michigan now has one year to concur or not regarding the application.

H. Approval of Meeting Minutes:

1. April 28, 2011

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE APRIL 28, 2011 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth D. Mayo, Eddy Edwards, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jerry Lee Curtis, Isabelle H. Welsh), TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

I. Old Business:

1. Janice Halverson, CAP Director – CNAP Guidelines – Medical Emergency Request. Council will consider these requests on a case by case basis.

MOTION MADE BY EDDY EDWARDS TO APPROVE AN ADDITIONAL \$600.00 FOR JENNIFER CURTIS TO BE WITH HER NEWBORN AT THE HOSPITAL. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

2. David Haataja, Casinos General Manager – Sales Tax Due on Shuttle Bus and Truck Purchases

Baraga Casino Shuttle Van (\$1,648.98) September 2011 and Marquette Casino Maintenance Truck (\$2,209.54) November 2011

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE SALES TAX IN THE AMOUNT OF \$3,858.52 FOR THE RECENT PURCHASES OF VEHICLES FOR THE BARGA AND MARQUETTE CASINOS. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Elizabeth D. Mayo, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

(Eddy Edwards is out of the room)

J. New Business:

1. Larry Denomie III, CEO – Weekly Update
2. Debbie Parrish, OCC President – Leasing of Former Darcy Home for OCC (green building next to the Library) – Debbie is also requesting leases for the campus and the KBO building 99 years at \$1.00

Toni Minton arrived at 10:18 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE OCC LEASES FOR THE KBO SITE, DOWNTOWN SITE, AND CAMPUS SITE AT \$1.00 RENTAL RATE SUBJECT TO REVIEW. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth D. Mayo, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ONE ABSTAINING (Toni J. Minton), ONE ABSENT (Fred Dakota), MOTION CARRIED.

Eddy Edwards stated his opposition: He feels all rental leases should be treated the same. The Tribe charged OHA for storage rental in 2004, 2005, 2006.

3. Jason Ayres, Realty Officer –
 - a) Resolution KB-1868-2011 Sandra J. Swartz Lease Modification (to include her adult children)

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1868-2011 SANDRA J. SWARTZ LEASE MODIFICATION. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), ONE ABSENT (Fred Dakota), MOTION CARRIED.

b) Resolution KB-1869-2011 Barbara J. Swartz Lease Modification

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1869-2011 BARBARA J. SWARTZ LEASE MODIFICATION. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

c) Resolution KB-1870-2011 OHA Industrial Park Commercial/Business Lease (Victor Miron’s Purchased Lease)

The soil needs to be tested by the Natural Resources Department for contamination.

MOTION MADE BY ELIZABETH D. MAYO TO TABLE RESOLUTION KB-1870-2011 OHA INDUSTRIAL PARK LEASE. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), FIVE OPPOSED (William E. Emery, Jerry Lee Curtis, Eddy Edwards, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), ABSTAINING - 0, ONE ABSENT (Fred Dakota), TIE VOTE. PRESIDENT SWARTZ VOTED IN FAVOR, MOTION CARRIED.

4. Gregg Nominelli, Economic Developer (not present) - PACT Act/Response Letter Deadline December 31, 2011 – for review and comments

K. Closed Session:

1. John Baker, Attorney
2. Chris Chosa, THPO Director – Timber Harvest on Beartown Road Allotments

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 10:36 A.M. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Break: 10:37 – 10:48 a.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 11:37 A.M. SUPPORTED BY ISABELLE H. WELSH. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Jendreau Property Timber Harvest –

MOTION MADE BY SUSAN J. LAFERNIER TO CANCEL ALL LOGGING OPERATIONS ON JENDREAU AND MANITOGIJIG ALLOTMENTS ON THE BEARTOWN ROAD. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Gary F. Loonsfoot, Sr.), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Gary Loonsfoot, Sr. stated is opposition: He does not believe closing 80 acres for a needle in a haystack is reasonable. He would rather suspend logging.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 11:40 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist