

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – APRIL 19, 2012 – 9:00 A.M.**

A. Date: April 19, 2012

B. Call to Order: President Swartz called the meeting to order at 9:19 a.m.

C. Invocation: Lord's Prayer

D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Jerry Lee Curtis, Assistant Secretary (arrived at 9:38 a.m.)
Fred Dakota
Eddy Edwards (arrived at 11:53 a.m.)
Jean Jokinen
Michael F. LaFernier, Sr.
Elizabeth "Chiz" Matthews
Absent: Toni J. Minton, Treasurer
Robert R.D. Curtis, Jr.
Carole L. LaPointe

E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

F. Approval of Agenda: April 19, 2012

Addition: New Business- 6. President Swartz – b) Tribal Attorney Exit Interview

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

G. For Your Information:

1. A Resignation Letter from Lynn Ketola - Economic Development Committee

H. New Business:

1. Jessica Koski – Request to Attend an Official Tribal Consultation with UN Special Rapporteur on the Rights of Indigenous People - Jessica recommends the May 14-18 meeting in New York City. President Swartz will attend. Jessica will submit the travel expenses for (2) people to attend for next week’s meeting.
2. Jacqueline Swartz/Dawn Alexander/Marilyn Loonsfoot/Rodney Loonsfoot – Donation Request of \$1,738.00 for Emergency Travel Expenses to move Marilyn (Molly) Uren from Munith, MI to Baraga, MI. The family also requested use of the Tribal van to transport the family to Molly’s residence to assist with hauling heavy items and drive her two vehicles back to Baraga.

Jerry Lee Curtis arrived at 9:38 a.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE DONATION REQUEST OF \$1,738.00 FOR MOVING EXPENSES AND TO RETURN THE RECEIPTS. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

3. Bruce LaPointe, Project Manager –

- a) Resolution KB-1886-2012 Indian Reservation Roads Tribal Transportation Improvement Plan (IRR TTIP 2012-2015)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1886-2012 INDIAN RESERVATION ROADS TRIBAL TRANSPORTATION IMPROVEMENT PLAN 2012-2015. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

- b) Request for IRR Program Planning Funds to Conduct 2011 Biennial Bridge Inspections (44)

MOTION MADE BY JERRY LEE CURTIS TO TABLE UNTIL A MEETING IS HELD WITH DOUG MILLS, ROAD COMMISSIONER, AND THE VILLAGE OF L’ANSE IN ORDER FOR THEM TO ENGAGE IN THE REQUEST. SUPPORTED BY JEAN JOKINEN. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

- c) Modification No. (1) Cooperative Agreement AGF2010027 Pequaming Road, Aura Road, Usimaki Road, Witz Bridge, Indian Road, and L'Anse Main Street

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE MODIFICATION NUMBER (1) COOPERATIVE AGREEMENT AGF2010027 EXTENSION OF BARAGA COUNTY ROAD CONSTRUCTION PROJECTS FOR PEQUAMING, AURA, USIMAKI, AND INDIAN ROADS, L'ANSE MAIN STREET, AND WITZ BRIDGE UNTIL DECEMBER 31, 2014. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

- d) Modification No. (2) Cooperative Agreement AGF2009027 Dynamite Hill Road, Tangen Road, Pequaming Road, Ben Road, and Biltonen Road

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE MODIFICATION NUMBER (2) COOPERATIVE AGREEMENT AGF2009027 EXTENSION OF BARAGA COUNTY ROAD CONSTRUCTION PROJECTS FOR DYNAMITE HILL, TANGEN, PEQUAMING, BEN, AND BILTONEN ROADS UNTIL DECEMBER 31, 2014. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

- e) I.H.S. MOA Brewery-Vuk Water Main Extension to serve existing homes (22) (in connection with ICDBG Grant of \$600.00) KBIC will contribute \$72,700.00 for I.H.S. Construction Support Costs

MOTION MADE BY ELIZABETH "CHIZ" MATTHEWS TO APPROVE THE MOA BETWEEN IHS AND KBIC ON THE BREWERY-VUK WATER MAIN EXTENSION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

- 4. Gregg Nominelli, Economic Developer – U.S. Department Of Energy Grant Update from CARE Committee

MOTION MADE BY FRED DAKOTA TO APPROVE H&H ENERGY MANAGEMENT SYSTEMS TO PROVIDE SUBCONTRACT WORK AT CONTRACTOR'S COST TO THE AMERICAN WIND & ENERGY GROUP TO COMPLETE THE WIND STUDIES. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

Break: 10:21 – 10:32 a.m.

5. Heather Chapman, Assistant Tribal Attorney – Proposed Amendment to the Tribal Code for the Protection of Unborn Children – The law will have to comply with the Indian Civil Rights Act. Heather will continue her work and bring back to the Council.
6. President Swartz/Charles Miller, SORNA Coordinator/Heather Chapman, Assistant Tribal Attorney – 1st Reading Proposed Amendment to the SORNA Ordinance 2012-03 Section 3.2025 of the Tribal Code - Temporary Lodging and to add: (Local and International Travel) for compliance with the 2012 federal statutes

MOTION MADE BY ELIZABETH D. MAYO TO WAIVE THE 1ST READING OF THE PROPOSED AMENDMENT TO THE SORNA ORDINANCE 2012-03 TRIBAL CODE SECTION 3.2025 TEMPORARY LODGING. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

The 2nd Reading is scheduled for May 5, 2012 at 10:00 a.m.

7. President Swartz –
 - a) Tribal Attorney Exit Interview – President Swartz had prepared for an exit interview but had a request for the Council for a temporary continuance.

In order to facilitate a smooth transition, Mr. Baker has offered his services to work for the next week or up to ten days with the other Attorneys. Heather Chapman, Assistant Tribal Attorney, stated it would be helpful to have a briefing from Mr. Baker on the projects he has been working on.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO TEMPORARILY ALLOW THE TRIBAL ATTORNEY TO WORK WITHIN THE ATTORNEY’S OFFICE FOR SEVEN TO TEN DAYS IN ORDER TO PROVIDE A BRIEFING AMONG THE ATTORNEYS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

- b) New Business License Application from Dianne McMahon for DM Catering

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE NEW BUSINESS LICENSE FOR DIANNE MCMAHON OF DM CATERING. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

I. Closed Session:

1. Enterprise Employee Grievance Hearing Case #006-12
2. Sarah Maki, Assistant CEO – Summer Youth Coordinator Position Applicants
3. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino General Manager – Cabling Bids/Agreement for Baraga Casino
4. Liana Loonsfoot, Weed & Seed Coordinator/Christoph Geiger, Tribal Deputy Attorney – KBIC Tribal Police Department and UPSET Equipment Use and Funding Agreement
5. Heather Chapman, Assistant Tribal Attorney – Litigation Matter

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:09 A.M. SUPPORTED BY SUSAN J. LAFERNIER. FOUR IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

Eddy Edwards arrived at 11:53 a.m.

Lunch: 11:57 a.m. – 1:10 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR TO GO INTO OPEN SESSION AT 2:00 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Enterprise Employee Grievance Hearing Case #006-12 -

MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE DECISION OF THE CEO ON THE CAGE MANAGER POSITION AND TO PLACE MARY KOSTAMO IN THE POSITION. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Susan J. LaFERNIER, Eddy Edwards), THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Summer Youth Coordinator Position Applicants –

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO RE-POST THE SUMMER YOUTH COORDINATOR POSITION FOR TWO WEEKS. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

KBIC Tribal Police Department (Weed and Seed Grant) and UPSET Equipment Use and Funding Agreement – \$2,400.00 for UPSET to lease a vehicle and to use (1) Universal Forensic Extraction Device and night vision goggles for one year

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE EQUIPMENT USE AND FUNDING AGREEMENT WITH KBIC AND UPSET. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Upgrade Cabling System Bids/Services Agreement for Baraga Casino - \$59,153.00

MOTION MADE BY FRED DAKOTA TO APPROVE THE MASTER TECHNOLOGY GROUP, INC. SERVICES AGREEMENT FOR THE INSTALLATION OF THE CABLING SYSTEM FOR THE BARAGA CASINO. SUPPORTED BY ELIZABETH MAYO. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Litigation Matter –

MOTION MADE BY EDDY EDWARDS TO PURSUE THE LITIGATION MATTER FOR THE PINES, REGARDING THE \$5,000.00 AMOUNT, AS A SEPARATE ISSUE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Jerry Lee Curtis, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), THREE OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ADJOURN AT 2:06 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist