

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – AUGUST 20, 2009 – 9:00 A.M.**

- A. Date: August 20, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFerner, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer
Jerry Lee Curtis (arrived at 9:15 a.m.)
Fred Dakota
Michael F. LaFerner, Sr. (arrived at 10:55 a.m., left 12:10 – 1:23 p.m.)
Gary F. Loonsfoot, Sr. (left 12:10 – 1:24 p.m., left at 2:35 p.m.)
Elizabeth “Chiz” Matthews (left 1:45 – 2:12 p.m.)
Elizabeth D. Mayo (left 12:10 - 2:49 p.m.)
Isabelle Helene Welsh (arrived at 10:04 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 20, 2009
- Additions: New Business- 4. President Swartz – a) LVD Letter
b) Mike Duschene Medical Travel Request

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

G. For Your Information:

1. Baraga County Chamber of Commerce – Speaker – Mike Lahti, Michigan State Representative, 110th House District – Best Western Lakeside Inn August 28th 3:00 – 5:00 p.m.

H. Approval of Meeting Minutes:

Jerry Lee Curtis arrived at 9:15 a.m.

1. April 23, 2009

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE APRIL 23, 2009 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), TWO ABSENT (Michael F. LaFernier, Sr., Isabelle H. Welsh), MOTION CARRIED.

2. May 2, 2009

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MAY 2, 2009 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Isabelle H. Welsh), MOTION CARRIED.

I. New Business:

1. Diana Chaudier, Election Chair – 2009 Primary Election Timeline – October 31, 2009 Election
2009 General Election Timeline – December 12, 2009 Election

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE PRIMARY ELECTION TIMELINE 2009 WITH THE ELECTION ON OCTOBER 31ST. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Isabelle H. Welsh), MOTION CARRIED.

Fred Dakota stated his opposition: He doesn't approve of the new set up anyway.
Elizabeth Mayo stated her opposition: She doesn't like the Primaries to begin with.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE GENERAL ELECTION TIMELINE 2009 WITH THE ELECTION ON DECEMBER 12TH. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Fred Dakota), TWO ABSENT (Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

2. Larry Denomie III, CEO – Pitney Bowes Lease Agreement (Postage) - 17 quarters at \$990.00 per quarter and includes the Donald A. LaPointe Health & Human Services who previously had a meter.

MOTION MADE BY FRED DAKOTA TO APPROVE THE PITNEY BOWES POSTAGE AGREEMENT. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

3. Brittany Maki – Tribal Member Request #KB-22-09 – \$786.13 Residence Hall deposit and payment of balance owed to Northern Michigan University

MOTION MADE BY JENNIFER MISEGAN TO DENY THE REQUEST BASED ON THE FACT THAT SHE ALREADY OBTAINED BIA FUNDING AND THE SOVEREIGN FUND WHEN SHE PREVIOUSLY ATTENDED NORTHERN MICHIGAN UNIVERSITY. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

4. President Swartz –

- a) LVD Letter regarding Senate Bills 674 – 679. Senate Bill 676 would allow charges or rates specified in a contract to be higher for Indian Tribes than the rates charged to the authority’s constituent municipalities. LVD recommended objecting these bills. The Saginaw Chippewa Tribe helped introduce these bills.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE THE REQUEST UNTIL THE COUNCIL RECEIVES FURTHER INFORMATION. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

- b) Mike Duschene Letter of Request #KB-23-09 – \$100.00 Additional Medical Travel Expense to Marshfield on August 27th.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE MIKE DUSCHENE’S REQUEST FOR MEDICAL TRAVEL EXPENSES IN THE AMOUNT OF \$100.00 TO BE TAKEN FROM THE EMERGENCY FUND. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Isabelle H. Welsh), MOTION CARRIED.

J. Closed Session:

1. Todd Warner, NRD
2. Sarah Smith, Assistant CEO –
 - a) UPEA & Donald LaPointe Health & Education Facility Renovation & Expansion
 - b) Danielson Contracting, Inc., Old 41 Watermain Extension Project Contract Approval
3. Gregg Nominelli, Economic Developer – NetComm Agreement
4. Isabelle Welsh – Tribal Member Request
5. Robin Chosa, TERO – Department Head Update
6. Michael LaFernier, Sr., Tribal Construction Company – Department Head Update
7. Jennifer Misegan, Enrollment – Department Head Update
8. John Baker, Attorney
9. Larry Denomie III, CEO

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 9:50 A.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Isabelle H. Welsh), MOTION CARRIED.

Break: 9:51 – 10:04 a.m.

Isabelle Welsh arrived at 10:04 a.m.

Mike LaFernier, Sr. arrived at 10:55 a.m.

Lunch: 12:10 – 1:08 p.m.

Mike LaFernier, Sr. returned from lunch at 1:23 p.m.

Gary Loonsfoot, Sr. returned from lunch at 1:24 p.m.

Elizabeth Matthews left 1:45 – 2:12 p.m.

Break: 2:35 – 2:49 p.m.

Gary Loonsfoot, Sr. left at 2:35 p.m.

Elizabeth Mayo returned from lunch at 2:49 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 3:58 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Football Game Announcer for Radio Stations -

MOTION MADE BY ELIZABETH D. MAYO TO HAVE DEVE (RADIO STATION GENERAL MANAGER) ASK OSCAR LARSON TO ANNOUNCE ALL FOOTBALL GAMES THAT ARE TO BE HEARD ON OUR LOCAL RADIO STATIONS DUE TO OSCAR BEING EMPLOYED BY MCCABE DISTRIBUTING WHO SPENDS ADVERTISING MONEY ON OUR LOCAL STATIONS. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), FIVE OPPOSED (Toni J. Minton, William E. Emery, Jennifer Misegan, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), TIE VOTE – PRESIDENT SWARTZ VOTED IN FAVOR, MOTION CARRIED.

Jennifer Misegan stated her opposition: She believes it should have been offered to a Tribal Member first.

Construction Contract with Danielson Contracting, Inc. for the old US 41/Mission Road Watermain Extension Project -

MOTION MADE BY FRED DAKOTA TO APPROVE THE CONTRACT WITH DANIELSON CONTRACTING FOR THE OLD US-41 WATER MAIN EXTENSION PROJECT. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:05 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist