

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MARCH 19, 2009 – 9:00 A.M.**

A. Date: March 19, 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
Fred Dakota
Michael F. LaFerner, Sr. (arrived at 9:20 a.m.)
Elizabeth "Chiz" Matthews
Elizabeth D. Mayo (left 10:55 a.m. – 1:06 p.m.)
Isabelle Helene Welsh

Absent: Gary F. Loonsfoot, Sr.

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

F. Approval of Agenda: March 19, 2009

Additions:	New Business-	4. b) President Swartz - Tribal Member Requests (2)
		3. Jerry Lee Curtis with Todd Warner
Deletion:	Closed Session-	2. b) Pauline Spruce – Summer Youth Program Wage
Changes:	Closed Session-	2. a) Replace Pauline Spruce with President Swartz
		3. Replace Mike Jensen with Christoph Geiger

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. 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, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

G. For Your Information:

1. Additional Grievance Hearing Case #007-09 Scheduled on March 26, 2009 at 1:30 p.m.
2. A letter from Cherene (Fisette) Griffing Regarding Tribal Enrollment and Blood Quantum Requirements

Mike LaFernier arrived at 9:20 a.m.

3. OCC Self Study Report (on C.D.) Submitted to the Higher Learning Commission – a review with Debbie Parrish is scheduled for March 26, 2009.

H. Closed Session:

1. Review of the Comprehensive Plan – **9:00 a.m.**
2. President Swartz/William Carlson, Negaunee Township Supervisor – **11:00 a.m.**

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 9:24 A.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 10:01 – 10:15 a.m.

Elizabeth Mayo left at 10:55 a.m.

Break: 11:03 – 11:19 a.m.

Lunch: 11:50 a.m. – 1:06 p.m.

Elizabeth Mayo returned at 1:06 p.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 1:07 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Fred Dakota), MOTION CARRIED.

Mike LaFernier, Sr. returned at 1:08 p.m.

Fred Dakota returned at 1:09 p.m.

I. Old Business:

1. Jennifer Misegan/Gregg Nominelli/Gary Loonsfoot, Sr. [Not present] – Prioritization and Discussion on Economic Development Work Group

Jennifer and Gregg met with the Economic Development Committee and are working on a timeline. More information will be coming at a later time.

J. New Business:

1. Gregg Nominelli, Economic Developer – He recommended the extension option for 6 months for Olympic Steel that they requested and to change the 30 days continuation to 7 days.

MOTION MADE BY FRED DAKOTA TO APPROVE A SIX-MONTH EXTENSION WITH THE CHANGE TO OLYMPIC STEEL. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

2. Jason Ayres, Realty Officer

- a) Ken Marshall, GIS Specialist - Contracting Opportunities for GIS Department (Global Information System)

He requested that the Tribe offer the GIS Services to local units of governments for a charge in the U.P. Ken explained to the Council that he does mapping, risk assessment and analysis. He creates and maintains the data for GPS and he currently works with fifteen of our departments. He has access to unlimited data from the BIA on parcels of land. Ken along with Summer Cohen and Joe Jacker of THPO are the only ones with access to the cultural sites on the reservation. Both Baraga and L’Anse Village are looking to hire the tribe for his GIS services. He will do a presentation in the near future.

- b) Resolution KB-1654-2009 – Daniel and Elizabeth Connor lease modification to grant a commercial and residential lease and cancels Donald L. Chosa, Jr.’s lease

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1654-2009 DAN AND BETH CONNOR LEASE MODIFICATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) Resolution KB-1655-2009 – Melvin LaFernier Sr. residential lease and cancels Clarence Roy, III lease

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE RESOLUTION KB-1655-2009 MELVIN LAFERNIER, SR. RESIDENTIAL LEASE. SUPPORTED BY TONI J. MINTON. 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.

- d) Resolution KB-1656-2009 – Tribal Transportation Improvement Plan 2009-2011

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1656-2009 TRIBAL TRANSPORTATION IMPROVEMENT PLAN IN THE AMOUNT OF \$2,253,000.00. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, TWO ABSENT (Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

(Elizabeth Mayo out of the room)

Mike LaFernier, Sr. stated his opposition: He would like to see more tribal members given the jobs.

- e) Resolution KB-1657-2009 – Bridge Construction Co-op to seek funding for the reconstruction of three bridges with the B.C. Road Commission and BIA.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-1657-2009 BRIDGE CONSTRUCTION CO-OP. SUPPORTED BY WILLIAM E. EMERY. 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), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- f) Resolution KB-1658-2009 – James Lahti Recreational Lease

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1658-2009 JAMES LAHTI RECREATIONAL LEASE. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Jennifer Misegan out of the room)

- g) Resolution KB-1660-2009 – Michigan State University Extension Grant Application Support for the GIS Services portion of the Baraga County Wildfire Protection Plan (Wildfire risk assessment). The GIS work will cost \$6,500.00 and in-kind services of \$2,140.00.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1660-2009 MSUE GRANT APPLICATION SUPPORT. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- h) Resolution KB-1662-2009 – Victoria Emery Residential Lease Modification

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-1662-2009 VICKI EMERY RESIDENTIAL LEASE MODIFICATION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- i) Resolution KB-1663-2009 – Colleen Morin residential lease and cancels Elzior and Elizabeth Morin’s lease

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-1663-2009 COLLEEN MORIN RESIDENTIAL LEASE. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- j) Resolution KB-1664-2009 – Isadore Misegan and Emily Emery residential lease and cancels Ann Misegan’s lease

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1664-2009 BLUE MISEGAN AND EMILY EMERY RESIDENTIAL LEASE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 2:03 – 2:14 p.m.

3. Todd Warner, NRD/Jerry Lee Curtis/Jeanne Kauppila – Commercial Fishing Licenses for 2009

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE COMMERCIAL FISHING LICENSES FOR THE APPLICANTS OF THE 2009 SEASON, PENDING THE PAYMENT IN FULL OF FINES FOR 2008, BOAT SAFETY INSPECTIONS, OUTSTANDING COMMERCIAL FISHING WORKSHOP TRAVEL REPORTS, TO BE PAID BY JUNE 30, 2009, AND ADDING DOMINIC DURANT, JR. PENDING HAACP CERTIFICATION AND BACKGROUND CHECK AND ADDING LEONARA J. ELLSWORTH, WHO WAS LATE. SUPPORTED BY FRED DAKOTA. 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.

4. Warren C. Swartz, Jr., President –

a) Climate Accord Draft #4

MOTION MADE BY FRED DAKOTA TO TABLE THE INTERGOVERNMENTAL ACCORD BETWEEN THE KBIC AND THE GOVERNOR OF THE STATE OF MICHIGAN TO ADDRESS THE CRUCIAL ISSUE OF CLIMATE CHANGE. SUPPORTED BY JERRY LEE CURTIS. 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.

b) Tribal Member Requests (2)

Donation Request for Doris Roberts Case #KB-10-09-

MOTION MADE BY WILLIAM E. EMERY TO DONATE \$100.00 FOR TRIBAL MEMBER REQUEST #KB-10-09. SUPPORTED BY FRED DAKOTA. 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.

Disability Distribution Tribal Member Request #KB-11-09–

MOTION MADE BY ELIZABETH D. MAYO TO ALLOW DARLENE GENSCHOW TO RECEIVE HER DISABILITY DISBURSEMENT PAYMENTS FROM THE TRIBE ON A MONTHLY BASIS. SUPPORTED BY ISABELLE H. WELSH. 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.

Policy Amendment on Disability Distribution-

MOTION MADE BY JENNIFER MISEGAN TO CHANGE THE POLICY ON THE DISABILITY PROGRAM TO ALLOW RECIPIENTS TO CHANGE THEIR DISTRIBUTION UP TO TWICE PER YEAR. SUPPORTED BY SUSAN J. LAFERNIER. 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.

K. Closed Session:

1. Gary F. Loonsfoot, Jr., Language Coordinator – Earl Otchigwanigan, Ojibwe Master Instructor
2. Warren C. Swartz, Jr., President/Sarah Smith – Eagle Radio Station GM Position/Posting
3. Christoph Geiger, Attorney – Ronald P. D’Agostino Contract for Professional Services with KBIC Substance Abuse Program
4. John Baker, Attorney
5. Warren C. Swartz, Jr., President

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:50 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 2:51 – 3:05 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 4:20 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.

Ronald P. D’Agostino Contract for Professional Services –

MOTION MADE BY FRED DAKOTA TO APPROVE THE CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND RONALD P. D’AGOSTINO FOR THE NEW DAY TREATMENT CENTER. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Jennifer Misegan out of the room)

L. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:24 P.M. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Jennifer Misegan out of the room)

Respectfully submitted,

Peggy Minton
Administrative Specialist