

**MINUTES**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**TRIBAL CENTER CONFERENCE ROOM**  
**THURSDAY – MARCH 15, 2012 – 9:00 A.M.**

- A. Date: March 15, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:06 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 9:40 a.m., left at 12:23 p.m.)  
Toni J. Minton, Treasurer  
Robert R.D. Curtis, Jr.  
Fred Dakota (left 11:43 a.m. – 1:09 p.m., left at 2:35 p.m.)  
Eddy Edwards  
Jean Jokinen  
Michael F. LaFernier, Sr.  
Carole L. LaPointe  
Elizabeth “Chiz” Matthews (left 1:42 – 3:02 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 15, 2012
- |            |                 |  |
|------------|-----------------|--|
| Additions: | New Business-   | 1. Susan LaFernier, Secretary – a) Schedule an Additional Employee Appeal of Termination Hearing Case #005-12<br>3. President Swartz – b) Christopher Voakes New Business License Application for Little Otter Customs |
|            | Closed Session- | 4. Vincent Rose – Employee Benefits Agency, Inc.   |

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

G. For Your Information:

1. Jessica Koski Letter to United Nations for Review
2. Baraga Casino Financial Report January FY2012
3. New Day Treatment Center Environmental Health and Safety Survey Report – February 2, 2012
4. Pre-Primary Education Program Environmental Health and Safety Survey Report – February 2, 2012
5. Red Apple Family Restaurant Re-Survey Report – March 6, 2012
6. VOIGT Intertribal Task Force Meeting Minutes February 2, 2012 Crandon, Wisconsin
7. An Invite to “Improving Interview Skills and Techniques” Workshop on March 20, 2012
8. DHHS Free Nike Shoe Program Available for Council on March 22, 2012

H. Approval of Meeting Minutes:

1. June 23, 2011

**MOTION MADE BY FRED DAKOTA TO APPROVE THE JUNE 23, 2011 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, FOUR ABSTAINING (Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

2. June 24, 2011

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE JUNE 24, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

I. Recognize Scheduled Delegation/Individuals:

1. Rick Geroux – American Legion Post #444 Donation Request \$10,000.00

Rick stated business is slow and the utilities are too high and he is concerned they may have to close their doors. He would like to keep it open because of the services they offer to the Veterans. They are applying for grants available to Veterans.

**Jerry Lee Curtis arrived at 9:40 a.m.**

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A DONATION OF \$10,000.00 FOR THE OPERATING EXPENSES OF THE VETERAN PROGRAMS AT THE AMERICAN LEGION POST #444. SUPPORTED BY FRED DAKOTA.

RD Curtis added a friendly amendment to have the check payable to the insurance company. Not accepted by Elizabeth Mayo.

**MOTION MADE BY JEAN JOKINEN TO TABLE RICK GEROUX’S DONATION REQUEST FOR FURTHER REVIEW. SUPPORTED BY EDDY EDWARDS. FIVE IN FAVOR (Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), SIX OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION DEFEATED.**

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A DONATION OF \$10,000.00 FOR THE OPERATING EXPENSES OF THE VETERAN PROGRAMS AT THE AMERICAN LEGION POST #444. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr.), FIVE OPPOSED (Toni J. Minton, Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Rick will provide the documentation and insurance bill as requested by RD Curtis.

**Break: 10:07 – 10:20 a.m.**

2. Charles Brumleve, Mining Specialist/Jessica Koski, Mining Technical Assistant – Metal Mining Update/Presentation

President Swartz requested to list meetings held with EPA, DNR, NCAI, GLIFWC, and other Tribes to KBIC’s Activism section of the presentation.

J. Old Business:

1. President Swartz/Bruce Geroux – Louis Jendreau Allotment - Bruce Geroux and MD Contracting, Inc. (for the road) Invoices

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE PAYMENT OF \$2,129.51 TO BRUCE GEROUX AND \$1,450.00 TO MD CONTRACTING FOR WORK COMPLETED ON THE JENDREAU ALLOTMENT FROM THPO FUNDS. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), THREE OPPOSED (Eddy Edwards, Jean Jokinen, Carole L. LaPointe), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

[Closed Session]

1. Vincent Rose, Benefits Advisor/Bonnie Nelson, Service Coordinator – Employee Benefits Agency, Inc./EAP – present: Jim Nardi, Human Resources/Francis LaPointe, CFO

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 11:33 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Susan J. LaFernier, Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), SIX OPPOSED (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Carole L. LaPointe), ONE ABSTAINING (Jerry Lee Curtis), ABSENT - 0, MOTION DEFEATED.**

The Council reviewed the April 2012 BCBSM Renewal Proposals for the Government and Enterprises.

**Fred Dakota left at 11:43 a.m.**

**Lunch: 12:23 – 1:09 p.m. – Fred Dakota returned**

**Jerry Lee Curtis left at 12:23 p.m.**

2. Gaming Commission/Lynn Haataja, Executive Director Gaming Commission/David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager/Gerry Cadeau, Slot Supervisor – TICS Shipping Regulations 542.13 (r) Shipment Notification and Receipt Requirements

After discussion, the Gaming Commission and Casino Management will review further.

Andrew Rasch, Hotel Manager, was also introduced to the Council.

**Elizabeth Matthews left at 1:42 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO POSTPONE THE REGULAR MONTHLY SATURDAY MEETING SCHEDULED ON APRIL 7<sup>TH</sup> TO APRIL 14<sup>TH</sup>. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

K. New Business:

1. Susan LaFernier, Secretary –
  - a) Schedule Enterprise Employee Appeal of Termination Hearing Case #004-12 and Case #005-12

The hearings are scheduled for March 22, 2012 at 1:00 p.m. and 2:00 p.m.

- b) 2012 Progress Ad Daily Mining Gazette

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DAILY MINING GAZETTE 2012 PROGRESS AD IN THE AMOUNT OF \$1,400.00. SUPPORTED BY CAROLE L LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

2. Larry Denomie III, CEO – Weekly Update

3. President Swartz –

- a) Jeff Lamson Liquor License Fee Request – Council consensus not to take any action on the request to pay the fee in quarterly payments.
- b) Christopher Voakes New Business License Application for Little Otter Customs (Auto Body)

**MOTION MADE BY EDDY EDWARDS TO APPROVE CHRISTOPHER VOAKES FOR THE NEW BUSINESS LICENSE FOR LITTLE OTTER CUSTOMS. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

**Fred Dakota left at 2:35 p.m.**

Mike Jensen present: Ronald P. D’Agostino, D.O., Contract for Professional Services for three years with the KBIC Substance Abuse Program (renewal) – (added to the agenda later in the day)

**MOTION MADE BY TONI J. MINTON TO APPROVE THE RONALD P. D’AGOSTINO PROFESSIONAL SERVICES CONTRACT. SUPPORTED BY CAROLE L LAPOINTE. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), TWO OPPOSED (Eddy Edwards, Michael F. LaFERNIER, Sr.), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:37 P.M. SUPPORTED BY TONI J. MINTON. THREE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Michael F. LaFERNIER, Sr.), FIVE OPPOSED (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews), MOTION DEFEATED.**

**Break: 2:36 – 2:55 p.m.**

L. Closed Session:

2. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager – “Let It Ride” Table Game Shuffle Master Lease Agreement

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

3. President Swartz/Lynn Haataja, Executive Director Gaming Commission/Francis LaPointe, CFO – Bank Secrecy Act – Title 31 Risk Assessment

**Elizabeth Matthews returned at 3:02 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DOWLING ADVISORY GROUP (DAG) TO PROVIDE THE TITLE 31 RISK ASSESSMENT FOR COMPLIANCE WITH THE BANK SECRECY ACT. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Fred Dakota), MOTION CARRIED.**

4. John Baker, Attorney – Report on the Appellate Court’s Decision regarding the Byykkonen Case which was dismissed.

M. Adjournment:

**MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 3:19 P.M. SUPPORTED BY JEAN JOKINEN. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota), MOTION CARRIED.**

(Elizabeth Mayo is out of the room)

Respectfully submitted,

Peggy Minton  
Administrative Specialist