

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JANUARY 6, 2011 – 9:00 A.M.

- A. Date: January 6, 2011
- 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
William E. Emery, Vice President (left at 5:11 p.m.)
Susan J. LaFernier, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer
Jerry Lee Curtis (arrived at 9:12 a.m.)
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 9:28 a.m.)
Gary F. Loonsfoot, Sr. (left at 2:50 p.m.)
Elizabeth D. Mayo (arrived at 9:25 a.m., left 3:20 – 3:36 p.m.)
Toni J. Minton (left at 11:55 a.m.)
Isabelle Helene Welsh (arrived at 9:34 a.m., left 3:30 – 4:15 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 6, 2011

Jerry Lee Curtis arrived at 9:12 a.m.

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|------------|-----------------|-----------------------------------------------------------|
| Additions: | FYI- | 5. Susan LaFernier, Secretary – Casino Application Letter |
| | | 6. Susan LaFernier, Secretary – Snow Plow Guidelines |
| | Closed Session- | 4. Susan LaFernier, Secretary – |
| | | a) Inmate Letter |
| | | b) Reclassification Inquiry |
| | Old Business- | 1. Jerry Lee Curtis – Update on New York Trip |

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

G. For Your Information:

1. AFDO/Seafood Alliance HACCP Training Course Agenda Baraga, MI, February 15-17
2. Brigitte LaPointe Appointed to KBIC Correctional Facilities Advisory Board
3. An Invite to the “Building Strong Sovereign Nations” Steering Committee Meeting at Little Traverse Bay Bands of Odawa Indians Community Center on February 17, 2011
4. SNB KBIC Guaranteed Loan Program Account Summary December 29, 2010
5. Letter from Assistant Secretary Indian Affairs Larry Echohawk regarding 2-part Gaming Casino Application in Negaunee Township
6. Snow Plow Requirements – need definition from CNAP office of permanent disability and a radius to follow

Elizabeth Mayo arrived at 9:25 a.m.

Mike LaFernier, Sr. arrived at 9:28 a.m.

Isabelle Welsh arrived at 9:34 a.m.

H. Approval of Meeting Minutes:

1. June 10, 2010

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE JUNE 10, 2010 MEETING MINUTES. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, TWO ABSTAINING (Jerry Lee Curtis, Isabelle H. Welsh), ABSENT - 0, MOTION CARRIED.

2. June 12, 2010

MOTION MADE BY EDDY EDWARDS TO APPROVE THE JUNE 12, 2010 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

(Isabelle Welsh is out of the room)

3. June 17, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE JUNE 17, 2010 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

I. New Business:

1. Jason Ayres, Realty Officer – Resolution KB-1798-2011 Delene Land Acquisition/Purchase Agreement for \$30,000.00

MOTION MADE BY EDDY EDWARDS TO APPROVE RESOLUTION KB-1798-2011 LAND ACQUISITION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Bruce LaPointe, Project Manager –

- a) Early Childcare Education Center (E.C.E.C.) Kitchen Equipment Bids (3) – Hiawatha Chef Supply

MOTION MADE BY EDDY EDWARDS TO APPROVE THE HIAWATHA CHEF SUPPLY BID IN THE AMOUNT OF \$50,782.98 FOR KITCHEN EQUIPMENT. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

- b) KBIC Transfer Station Project Design Agreement – Integrated Designs, Inc. \$41,700.00

MOTION MADE BY EDDY EDWARDS TO APPROVE THE AGREEMENT BETWEEN THE COMMUNITY AND INTEGRATED DESIGNS, INC. FOR THE TRANSFER STATION PROJECT FOR A TOTAL OF \$41,700.00. SUPPORTED BY GARY F. LOONSFOOT, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

c) Brian Haataja Well Pump Installation Construction Agreement \$2,975.41

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE CONSTRUCTION AGREEMENT WITH LARSON PUMP CO., LLC FOR THE WELL PUMP INSTALLATION FOR BRIAN HAATAJA. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 9:58 – 10:10 a.m.

3. Gary Loonsfoot, Jr., Language Coordinator – Bay Mills Community College NPIP (Nishnaabemwin Pane Immersion Program) Winter 2011 Semester

MOTION MADE BY TONI J. MINTON TO APPROVE THE WINTER 2011 SEMESTER FOR THE NPIP IMMERSION STUDENTS IN THE AMOUNT OF \$14,055.00. SUPPORTED BY GARY F. LOONSFOOT, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

4. Jean Jokinen – HUD Rural Innovation Fund

The Council consensus is to apply for #15 Launch Corporate Code Board under Category 2 Economic Development – There are approximately 7 grants available for up to \$800,000.00 (only to Tribes)

5. John Baker, Attorney [not present] – OHA/Ojibwa Plumbing & Heating Business License Renewal

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE RENEWAL BUSINESS LICENSE OF THE OHA/OJIBWA PLUMBING AND HEATING. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

6. Eddy Edwards, Treasurer –

a) Casino Task Force Project

MOTION MADE BY EDDY EDWARDS TO HAVE THE CASINO TASK FORCE CONTINUE THEIR WORK AND TO BRING THEIR PLANS TO THE COUNCIL FOR APPROVAL. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

b) Cheerleader Uniforms Donation Request

MOTION MADE BY EDDY EDWARDS TO TABLE THE REQUEST FOR CHEERLEADING UNIFORMS UNTIL MORE INFORMATION IS RECEIVED FROM THE BARAGA BOOSTER CLUB. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

7. Larry Denomie III, CEO – (Sick Leave) 11.3 Incentive Policy Options - Amendment/Clarification

MOTION MADE BY EDDY EDWARDS TO AMEND THE SICK LEAVE INCENTIVE POLICY TO READ THAT ALL SICK LEAVE HOURS ARE TO BE PAID AT AN EMPLOYEE’S LAST PERMANENT WAGE, NOT AT AN INTERIM WAGE. SUPPORTED BY GARY F. LOONSFOOT, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

J. Old Business:

1. Jerry Lee Curtis – Update on New York Trip – Cigarette Factory Startup and Production Cost Estimates

Total costs \$802,500.00. There are three Tribes running their own tobacco factories right now. The Council would like to set up a Board for the wholesaling separate from the manufacturing. A federal license needs to be obtained and a marketing study.

K. Closed Session:

1. Government Employee Appeal of Dismissal Hearing Case #008-10
2. Larry Denomie III, CEO –
 - a) Radio Station Personnel Issue
 - b) Youth and Facilities Coordinator Reclassification/Fitness Center

- c) Tim Shanahan
- d) CAP Administrator Interview Selections
- 3. John Baker, Attorney
- 4. Susan LaFerner, Secretary –
 - a) Inmate Letter
 - b) Reclassification Inquiry

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 11:25 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Lunch: 11:55 a.m. – 1:20 p.m.

Toni Minton left at 11:55 a.m.

Gary Loonsfoot, Sr. left at 2:50 p.m.

Break: 3:07 – 3:20 p.m.

Elizabeth Mayo left 3:20 – 3:36 p.m.

Isabelle Welsh left 3:30 – 4:15 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 5:10 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

William Emery left at 5:11 p.m.

Clinical Social Worker Reclassification – for the Position Announcement

MOTION MADE BY EDDY EDWARDS TO RECLASSIFY THE CLINICAL SOCIAL WORKER FROM A GRADE 11 TO A GRADE 13. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

Heather Chapman Employment Agreement – January 2, 2011 – January 1, 2014

MOTION MADE BY ISABELLE H. WELSH TO APPROVE THE EMPLOYMENT AGREEMENT WITH HEATHER CHAPMAN, ASSISTANT TRIBAL ATTORNEY AND PROSECUTOR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Isabelle H. Welsh), TWO OPPOSED (Jerry Lee Curtis, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (William E. Emery, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

Government Employee Appeal of Dismissal Hearing Case #008-10 –

MOTION MADE BY EDDY EDWARDS TO UPHOLD THE TERMINATION IN CASE #008-10. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FOUR IN FAVOR (Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Isabelle H. Welsh), FOUR OPPOSED (Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (William E. Emery Gary F. Loonsfoot, Sr., Toni J. Minton), TIE VOTE. PRESIDENT VOTES IN FAVOR, MOTION CARRIED.

Fitness and Youth Programs Director Reclassification –

MOTION MADE BY EDDY EDWARDS TO APPROVE THE RECLASSIFICATION OF CHERYNE CLEMENTS AS THE FITNESS AND YOUTH PROGRAMS DIRECTOR AND RAISE THE POSITION TO A GRADE 10 AT \$18.92. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr.), TWO OPPOSED (Susan J. LaFernier, Elizabeth D. Mayo), ONE ABSTAINING (Isabelle H. Welsh), THREE ABSENT (William E. Emery, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She feels the two positions should be separated.

Susan LaFernier stated her opposition: She feels if you are going to combine the two positions, there should have been more pay.

Building with Asbestos removed from the Marquette Land in Trust Application –

MOTION MADE BY EDDY EDWARDS TO OMIT THE FORMER BUILDING THAT HAS ASBESTOS FROM THE LAND IN TRUST APPLICATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, THREE ABSENT (William E. Emery, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

Tim Shanahan Sick Leave Discontinued – began 9/3/10 per 8/12/10 motion

MOTION MADE BY EDDY EDWARDS TO DISCONTINUE SICK LEAVE FOR TIM SHANAHAN AS OF JANUARY 18, 2011, WHEN HE WILL RECEIVE HIS DISABILITY. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FIVE IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr.), ONE OPPOSED (Fred Dakota), TWO ABSTAINING (Elizabeth D. Mayo, Isabelle H. Welsh), THREE ABSENT (William E. Emery, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

Derek Sever Resignation Acceptance –

MOTION MADE BY ISABELLE H. WELSH TO ACCEPT THE RESIGNATION OF DEREK SEVER, GENERAL MANAGER, OF THE RADIO STATION AND PLACE DEBORAH HILSCHER AS INTERIM GENERAL MANAGER AT THE BEGINNING RATE OF PAY FOR THAT POSITION. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 5:25 P.M. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (William E. Emery, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist