

# Red Cliff Band of Lake Superior Chippewas

## SPECIAL COUNCIL MEETING

January 23, 2018

2:00 p.m. Legendary Waters, Buffalo Bay Grand Ballroom

### ROLL CALL

Richard Peterson, Present  
Nathan Gordon, Present  
Mercie Gordon, Present  
Johanna Wilson, Present  
Daniel Duffy, Present  
Carolyn Gouge, Present

Nicholas DePerry, Absent (Excused)  
Jeanne Gordon, Present  
Antone Basina, Present

Quorum

Chairman Peterson called the meeting to order at 2:00 p.m.

Others present: Dave Ujke – Tribal Attorney, Wade Williams – Assistant Tribal Attorney, Lavonne Goslin – Head Start Director, Rob Goslin – Tribal Administration Liaison, Chad Abel – TNR Division Administrator, Diane Erickson – Health Center Administrator, Robert Powless – Public Works Division Administrator, Rebecca Benton – Family/Human Services Division Administrator and community members.

### AGENDA

Changes and corrections:

1. Added "New Residential Lease Application – Red Cliff Chippewa Housing Authority".
2. Added "Special Permission to Occupy Land Request – Red Cliff Chippewa Housing Authority".

Jeanne Gordon moved to approve the amended agenda. Seconded by Johanna Wilson. Motion carried.

Mercie Gordon moved to go into Executive Session. Seconded by Carolyn Gouge. Motion carried.

### OPENING CEREMONY

Opening ceremony performed by Frank Morris.

### EXECUTIVE SESSION

Mercie Gordon moved to return Regular Session at 4:40 p.m. Seconded by Carolyn Gouge. Motion carried.

### REGULAR SESSION

#### ACTION FROM EXECUTIVE SESSION

Jeanne Gordon moved to hire James Pete as the Planning Administrator. HR and Administration will negotiate a salary with Mr. Pete. Seconded by Mercie Gordon. Motion carried.

Jeanne Gordon moved to amend Resolution 1/23/18A, to include an additional \$49,000 of in-kind to the proposed budget. Seconded by Mercie Gordon. Motion carried.

Jeanne Gordon moved to assign Mavis Jacobson as signatory for Legendary Waters Resort & Casino financials effective February 1, 2018. Jim Ryder will no longer have signatory authority after that date. Seconded by Mercie Gordon. Motion carried.

Jeanne Gordon moved to authorize the submission of the grant application in the amount of \$759,000. Seconded by Johanna Wilson. Motion carried.

#### **COMMUNITY COMMENTS/ANNOUNCEMENTS**

Cecil Peterson gave an update on recent discussions had by the Lakes Committee. He stated the Committee has allowed Mole Lake representatives to be appointed, which some were not in favor of since the Mole Lake reservation is not located near Lake Superior. The Lakes Committee was traditionally comprised of Red Cliff, Bad River and Keweenaw Bay representatives. The Committee is pleased that the Michigan Department of Natural Resources is now working to remove stamp sand and protect the Buffalo Reef, which is a significant whitefish and trout spawning reef.

Cecil also read a written statement from his daughter and store manager Carol Isaac. Carol stated she had received a call from Antone Basina, earlier in the month, asking why she denied his daughter Melissa from cashing her payroll check from Legendary Waters. Carol explained to Antone that she was unable to cash a payroll check from LW due to the business being on the "no-cash" list. LW was on the list as a result of an incident years ago where a number of payroll checks had bounced. Antone allegedly was upset that Carol refused to cash the check since LW no longer had payroll check issues and also has an ongoing charging account with the store. He threatened to close the business account and did so shortly after. Jeanne Gordon asked if Antone had the authority to close the account as he is not the General Manager. Antone explained that he believed he did have the authority to make the decision since his department makes the majority of the purchases from Peterson's store. He also noted that the decision was not for personal benefit but for all employees of the casino. The Council will discuss this further in Executive Session.

Cecil also asked what the status of his tobacco tax refund payment. Council will look into it and update him soon.

Kurt Basina asked for clarification regarding the 10% tribal tax. Non-tribal members are taxed on purchases and tribal members are not taxed if they are able to show their tribal ID. He also wondered if all items including groceries and gas were taxed as these goods are not generally subject to Wisconsin State tax. He also asked if this tax is a violation of Article VI, Section 1 (g) as it is imposed on tribal members that cannot provide identification. Tribal Attorney Ujke stated showing of ID is an Administrative requirement and is a reasonable means to validate membership.

Kurt Basina also asked of the status of the smoke shop. He understood the Tribe had spent \$60,000 in consultant fees during the creation of the smoke shop and wondered if closing the shop was premature. Chairman Peterson explained that the decision to close the smoke shop was necessary since this was competing with the gas station. There are plans to re-open a business that appeals to a broader customer base.

Ruby Basina approached the Council and spoke of situation where she had a vehicle stuck in her driveway. She stated Tribal Maintenance workers were near her residence at the time and did not offer assistance. She believes this is unacceptable and all tribal employees should be willing to help those in need.

Mini Pow Wow to be held on January 26 and 27th at Legendary Waters.

Bad River Winter Camp scheduled for February 10-11th.

Battling Substance Abuse Event February 13th.

Youth Mental Health First Aid Training January 24th.

Red Cliff Housing Authority will be closed January 25th from 12:30 to 4:30 p.m.

## **TREASURER'S REPORT – DECEMBER 2017**

A few points were highlighted in the report

Nathan Gordon moved to accept the Treasurer's report for December 2017. Seconded by Carolyn Gouge. Motion carried.

## **TREASURER'S REPORT – NOVEMBER & DECEMBER 2017 BALANCE SHEETS**

Treasurer Wilson asked that these be tabled until next meeting.

Mercie Gordon moved to table the November 2017 and December 2017 balance sheets until next meeting. Seconded by Jeanne Gordon. Motion carried.

## **NEW BUSINESS**

### **APPROVAL OF LEGENDARY WATERS CASH FLOW BUDGET FOR FEBRUARY 2018**

Total cash needs for February 2018 is \$422,600.00

Carolyn Gouge moved to approve the Cash Flow budget for February 2018. Seconded by Johanna Wilson. Motion carried.

### **APPROVAL OF FY18 AMERICAN INDIANS VETERANS SERVICE GRANT**

Ashley Poch, Tribal Veterans Service Officer for Red Cliff requested authorization from the Tribal Council to submit an application for the American Indian Veterans Services Grant in order to provide additional services to Tribal Veterans. The grant is \$15,000.

Jeanne Gordon moved to approve the grant submission. Seconded by Nathan Gordon. Motion carried.

### **APPOINT ONE (1) MEMBER TO THE NORTHLAKES COMMUNITY CLINIC BOARD**

Correspondence received from Reba Rice, Chief Executive Officer of Northlakes Community Clinic asking that a delegate from Red Cliff (specifically Diane Erickson) be appointed to the Board of Directors, as it has been a long standing tradition to have a representative from Red Cliff on the Board.

Carolyn Gouge moved to appoint Diane Erickson to the Northlakes Community Clinic Board of Directors. Seconded by Johanna Wilson. Motion carried.

### **APPROVAL OF AUTOMATIC MEMBERSHIP ENROLLMENTS**

Johanna Wilson moved to approve the automatic enrollment of the following children:

Lucas James Henning, parent Katie D. Flaherty  
Davion John Pinkoski, parent Allissa J. LaGrew  
Lavina Irene Teschner, parent Amanda M. Peterson  
Evelyn Suzanne Morrin Fenn, parent Jessica R.M. Schuelke  
Odin Sawyer Hyde, parents Andrea L. Peterson & Ethan T. Hyde  
Savannah James Reijo, parent Derek M. Reijo

Seconded by Carolyn Gouge. Motion carried.

### **APPROVAL OF RESOLUTION PERTAINING TO THE ACQUISITION AND PROTECTION OF THE SCHEFFEL DRIVE SHORELINE PROPERTY**

The Scheffel Drive property is described as 54 acres in Govt. Lot 2, in N1/2 of the SE1/4, Section 31, T52N, R4W. The subject parcel is zoned as Preserved on the Red Cliff Reservation Zoning District Map. This resolution author-

izes the use and acceptance of GLRI funds through PL93-638 contracting with the BIA and the transfer of the parcel to Trust through the fee-to-trust process with the BIA upon purchase.

Jeanne Gordon moved to **RESOLUTION 01/23/18C**. Seconded by Carolyn Gouge. Motion carried.

#### **APPROVAL OF RESOLUTION PERTAINING TO THE ACQUISITION AND PROTECTION OF THE SAND RIVER WETLAND PROPERTY**

The Sand River Wetland property is described as 80 acres in E1/2 of the SE1/4, Section 2, T51N, R5W. The subject parcel is zoned as Preserved on the Red Cliff Reservation Zoning District Map. This resolution authorizes the use and acceptance of GLRI funds through PL93-638 contracting with the BIA and the transfer of the parcel to Trust through the fee-to-trust process with the BIA upon purchase.

Carolyn Gouge moved to **approve RESOLUTION 01/23/18D**. Seconded by Jeanne Gordon. Motion carried.

#### **APPROVAL OF LEASE APPLICATIONS**

Francis P. Cadotte, Jr. a tribal member, requested renewal of his long-term lease No. B-389(67) located at 88190 Tot's Road. The lease expired on January 25, 2017 and the new short-term Residential Lease will be effective retroactively to that date. The previous lease was for 2.5 acres, the new lease site will be 1.25 acres.

Carolyn Gouge moved to **approve RESOLUTION 01/23/18E** Seconded by Jeanne Gordon. Motion carried.

George A. Newago and Joshua Newago both tribal members, requested renewal of his long-term lease No. B-382(67) located at 90655 Blueberry Road. The lease expired on January 9, 2017 and the new short-term Residential Lease will be effective retroactively to that date. The previous lease was for 2.5 acres, the new lease site will be 1.25 acres.

Carolyn Gouge moved to **approve RESOLUTION 01/23/18F**. Seconded by Jeanne Gordon. Motion carried.

Nellie A. Morris, a non-tribal member, requested removal of Keith B. Morris, a deceased tribal member, from the current lease and add John A. Morris & James W. Morris, both tribal members, as co-lessees to her short-term lease No. 4352003770919) located at 37135 Water Tower Road.

Johanna Wilson moved to **approve RESOLUTION 01/23/18G**. Seconded by Nathan Gordon. Motion carried.

Red Cliff Chippewa Housing Authority submitted an application for a long-term residential lease of a .28 acre site located at 88215 Highway 13. This site was formerly leased to Deborah Andrews Hoopman, lease expired as of September 5, 2017. According to records obtained by the Lands office, the house is in poor condition and is in need of major repair. Cassandra Hoopman, Deborah's daughter submitted a short-term lease application for the same site but offered no plans for repair or improvements to the home. Council asked for additional information and further research done on the history of the home and occupants.

Jeanne Gordon moved to table this item until the next meeting. Jeanne will do research and provide her findings at that time. Seconded by Mercie Gordon. Motion carried.

Nathan Gordon moved to table the Special Permission to Occupy Land request by Red Cliff Chippewa Housing Authority. Seconded by Mercie Gordon. Motion carried.

#### **APPROVAL OF BUSINESS PERMIT FOR FATHOM TRIBAL FIRE, LLC**

Presented for Council consideration and approval was an application for a new business permit submitted by Fathom Tribal Fire, LLC (Melonee Montano). According to Ms. Montano's application, her home will serve as a headquarters for her consulting business. Ms. Montano had also submitted an application for a special permit from the PAC Review Board and received approval from the Red Cliff Housing Authority.

Carolyn Gouge moved to approve the business permit for Fathom Tribal Fire, LLC. Seconded by Dan Duffy. Motion carried.

**APPROVAL TO ENACT CHAPTER 57 (UNCLAIMED FUNDS)**

This new chapter was posted for comment and reviewed by Legal.

Nathan Gordon moved to enact Chapter 57. Seconded by Dan Duffy. Motion carried.

**APPROVAL TO ENACT CHANGES TO CHAPTER 7 (COMMERCIAL FISHING REGULATIONS)**

The changes have been posted for comment and reviewed by Legal and the Fishing Committee.

Nathan Gordon moved to enact Chapter 7 as amended. Seconded by Johanna Wilson. Motion carried.

**APPROVAL TO ENACT CHANGES TO CHAPTER 34 (WATER & SEWER UTILITIES)**

The changes have been posted for comment and reviewed by the Department, Legal and the Utilities Commission.

Mercie Gordon moved to enact Chapter 34 as amended. Seconded by Jeanne Gordon. Motion carried.

**APPROVAL OF WISCONSIN DEPARTMENT OF TRANSPORTATION, TRIBAL PARTNERSHIP AGREEMENT**

The agreement is between the eleven Wisconsin tribes, Wisconsin Division-Federal Highway Administration, Wisconsin Department of Transportation and the Bureau of Indian Affairs. This is a 5 year partnership agreement which the Tribe may opt out at any time.

Antone Basina moved to approve the agreement and authorize Chairman Peterson to sign. Seconded by Carolyn Gouge. Motion carried.

**GAMING COMMISSION REPORT**

Draft minutes were provided from December 2017 meeting. Both Desiree Livingston and Michael Babineau's terms have expired. Michael expressed interest in remaining on the Commission, Desiree would like her position posted for new member.

Jeanne Gordon moved to accept the Gaming Commission Report for December 2017. Seconded by Carolyn Gouge. Motion carried.

Mercie Gordon moved to appoint Michael Babineau to the Gaming Commission, accept Desiree Livingston's resignation and post for one member. Seconded by Johanna Wilson. Motion carried.

**COMPLIANCE REPORT**

Charles Bresette asked that this report be tabled. He was not present.

Nathan Gordon moved to table the Compliance Report. Seconded by Jeanne Gordon. Motion carried.

**RATIFY POLL VOTE PERTAINING TO DENNIS SOULIER'S RESIGNATION FROM THE HUMAN/FAMILY SERVICES BOARD**

Carolyn Gouge moved to ratify the poll. Seconded by Jeanne Gordon. Motion carried.

**RATIFY POLL VOTE PERTAINING TO THE WAIVER OF THE PROPERTY AND PROCUREMENT POLICY FOR THE TRIBAL CENSUS PROJECT**

Carolyn Gouge moved to ratify the poll. Seconded by Mercie Gordon. Motion carried.

**RATIFY POLL VOTE PERTAINING TO THE BIA ENDANGERED SPECIES PROPOSAL, BIA HATCHERY MAINTENANCE PROPOSAL & BIA INVASIVE SPECIES PROPOSAL.**

Jeanne Gordon moved to ratify the poll. Seconded by Johanna Wilson. Motion carried.

**ADJOURN**

Johanna Wilson moved to adjourn at 7:15 p.m. Seconded by Mercie Gordon. Motion carried.

Respectfully Submitted:



Alana Babineau  
Recording Secretary

ATTEST:



Mercie Gordon, Secretary  
Red Cliff Tribal Council