

# Red Cliff Band of Lake Superior Chippewa Indians

## Regular Council Meeting

October 5, 2020

1:00 p.m. Legendary Waters Buffalo Bay Grand Ballroom

Vice-Chairman Nathan Gordon called the meeting to order at 1:00 p.m.

### ROLL CALL:

Richard Peterson, Excused (WebEx)  
Nathan Gordon, Present  
Laura J. Gordon, Present  
Dennis Soulier, Present

Bryan Bainbridge, Present @ 4:25 p.m.  
Chris Boyd, Present  
Nicholas DePerry, Present  
Steven Boyd, Present  
Marvin DeFoe, Present

### QUORUM

Others present: Dave Ujke – Tribal Attorney, Wade Williams – Assistant Tribal Attorney, Diane Erickson, Health Administrator, Nicole Boyd, Planning Administrator and Robert Bear, Compliance, Amarin Mello, Lands Office and Community Members.

### OPENING CEREMONY

Opening Ceremony was performed by Jim Pete.

### AGENDA

Dennis Soulier moved to approve agenda as amended. Seconded by Laura J. Gordon. Motion carried.

### EXECUTIVE SESSION

Nicholas DePerry moved to go into Executive Session at 1:10 p.m. Seconded by Steven Boyd. Motion carried.

### REGULAR SESSION

Marvin DeFoe moved to return to Regular Session at 5:05 p.m. Seconded by Nicholas DePerry. Motion carried.

### ACTION FROM EXECUTIVE SESSION

Dennis Soulier moved to Table the Red Cliff Band of Lake Superior Chippewas Audited Governmental Financials Statements for year ending September 30, 2019, pending adjustments and review is done by the Auditors. Seconded by Bryan Bainbridge. Motion carried.

Laura J. Gordon moved to go along with the individual that was discussed in executive session for the TAL position and to have Administration negotiate with this individual. Seconded by Chris Boyd. Motion carried.

**OLD BUSINESS**  
**NEW BUSINESS**

**COMMUNITY COMMENTS & CONCERNS**

Drive up free COVID-19 testing event on Saturday October 10, 2020 from 9 a.m. to 5 p.m. at the Red Cliff Community Health Center, 36745 Aiken Road, Bayfield, WI 54814.

New Business Hours for the Red Cliff Transfer Station, effective October 1, 2020. Hours of operation are Tuesdays 10 a.m. to 6 p.m., Thursdays 10 a.m. to 6 p.m. and Saturdays 8:00 a.m. to 12:00 p.m.

Tribal ID's are now being issued by appointment only, due to COVID-19. Contact Administration Building to set up an appointment. This will allow staff to properly clean between appointments.

Laura J. Gordon read a concern submitted by Christy Branagan stating that her Uncle has not received any call about the COVID Relief dollars and would like for him not to be left out. Vice Chairman will follow up on this.

Chris Boyd mentioned that October 11<sup>th</sup> thru the 17<sup>th</sup> is the Walk to End Domestic Violence. Walk to raise awareness and support victims and survivors of Domestic Violence. Walk anywhere in Red Cliff Community. If you have any questions you can call the Red Cliff Family Violence Prevention Program at 715-779-3706.

**MINUTES**

Nicholas DePerry moved to approve September 2, 2020, September 2, 2020 (Bayfield School Board), September 3, 2020, September 9, 2020, September 16, 2020, September 22, 2020 and September 23, 2020 meeting minutes with changes if needed. Seconded by Steven Boyd. 2-Abstentions (Laura J. Gordon and Dennis Soulier). Motion carried.

**ACCEPT TREASURERS BALANCE SHEET FOR AUGUST 2020**

Chris Boyd moved to accept the Treasurers Balance sheet for the month ending August 2020. Seconded by Bryan Bainbridge. Motion carried.

**APPROVAL OF LEGENDARY WATERS RESORT & CASINO FY21 BUDGET**

Interim GM Randy Soulier and Mavis Jacobson presented the Budget for 2021. They noted they decided to not reopen the gift shop or table games at this time as these two areas have not shown a profit. Cigarette machines will be placed on the casino floor and a display case will hold LW promotional items for sale. The bar will also sell cigarette for tribal member discount. It was

also discussed that employees of the gift shop may be transferred to other departments. Steven Boyd suggested idea of converting the gift shop to a poker room.

Dennis Soulier moved to approve the budget for FY21. Seconded by Bryan Bainbridge. Motion carried.

#### **LEASES**

Bryan Bainbridge moved to approve Resolution **10/5/20A** pertaining to a short-term residential lease renewal for James L. Gordon and Terry R. Wegner, located at 37220 North Bradum Road, effective January 12, 2020. Seconded by Nicholas DePerry. Motion carried.

Chris Boyd moved to approve Resolution **10/5/20B** pertaining to a new long-term residential lease for David J. Curran, located at 89890 Bradum Road on Bradum Subdivision Lot 145. Seconded by Dennis Soulier. Motion carried.

#### **APPROVAL OF BUSINESS CONTINUITY PLAN POLICY**

An overview of the policy was given by Libby Aufderheide, IT Department. It was noted that the development of this policy was in response to a recent compliance review from Social Security Administration.

Bryan Bainbridge moved to approve the Business Continuity Plan as presented. Seconded by Laura J. Gordon. Motion carried.

#### **APPROVAL OF FISH COMPANY'S FINANCIAL POLICY**

Gabrielle Vanbergen and Chase Meierotto presented the policy which was developed by Cass Joy and was reviewed by Midwest Professionals. Marvin Defoe asked if any area in the policy covers community donations. Dennis Soulier stated there was no need to this in the policy, the business could have a line item donation within the accounting system.

Laura J. Gordon asked if a budget was developed for the business. Gabrielle stated the Fish Company was recently hired and the department should be able to provide a budget to Council by the next meeting.

Steven Boyd moved to approve the Red Cliff Fish Company policy. Seconded by Dennis Soulier. 1-Abstention (Bryan Bainbridge) Motion carried.

Gabrielle stated in order to get the point of sale system up and running for the company, a credit processing application needs to be submitted to a selected vendor, the vendor they are looking at right now is Electronic Payments, Inc. She requested Council authorize the Chairman to sign off on the credit application.

Dennis Soulier moved to authorize the Chairman, or delegate, to sign off on the credit processing application for the Red Cliff Fish Company. Seconded by Steven Boyd. Discussion: Dave Ujke recommended that Council add that this authorization is subject to review and

approval by the Legal Department. He had very little time to review the application but does have several concerns. Gabrielle also asked that a vendor not be included in the motion as they may select a different vendor after Legal is able to review the application more thoroughly. Both Dennis Soulier and Steven Boyd concur.

#### **APPROVAL OF CULTURAL CONSULTANT FOR THE HEALING TO WELLNESS COURT**

Chris Boyd moved to Table the Cultural Consultant Proposals until the next Tribal Council Meeting that is on Tuesday October 20, 2020. Seconded by Nicholas DePerry. Motion carried.

#### **APPROVAL OF CHANGE NAME FROM LIGHTHOUSE POWER SYSTEMS TO ALLGEN POWER SOLUTIONS**

Tribal Council approved to sole source with Lighthouse Power Systems for the purchase and installation of a generator. The FM Department received a W9 from Lighthouse and the business name is officially Allgen Power Solutions, LLC. Lighthouse Power Systems is a dba of Allegen. Shelly Gordon asked that the sole source approval be changed to match the W9.

Dennis Soulier moved to approve the name change. Seconded by Bryan Bainbridge. Discussion: Laura J. Gordon will send an update to Property and Procurement. Motion carried.

#### **APPROVAL OF CHANGE ORDER #1 ASPHALT & CHANGE ORDER #2 NORTH SYSTEM REPAIR PROJECT**

Shelly Gordon presented Change Order #1. McCabe Construction Inc. has increased its pricing by a total of \$177,540.00, original contract price is \$160,521 increased to \$338,061.00. Additional work was added to the McCabe contract that was initially planned to be completed by the Roads Department. The Roads Department is not able to complete this work due to several ongoing projects.

Nicholas DePerry moved to Deny the request. Seconded by Bryan Bainbridge. Discussion: Council would like clarification on original plans. Motion carried.

#### **APPROVAL OF CHANGE ORDER #2 NORTH SYSTEMS REPAIR PROJECT**

Bryan Bainbridge moved to table this item until Legal reviews the change order. Seconded by Nicholas DePerry. Discussion: Council would like clarification on original plans. Motion carried.

#### **APPROVAL OF PAC PERMIT FOR PLANNING COURTHOUSE REMODEL**

Marvin DeFoe moved to approve the PAC Permit for Planning Courthouse Remodel. Seconded by Laura J. Gordon. Motion carried.

#### **APPROVAL OF PAC PERMIT FOR THPO – RASPBERRY CAMPGROUNDS/SHELTER**

Dennis Soulier moved to approve the PAC Permit for THPO Raspberry Campground Shelter. Seconded by Chris Boyd. 1-Abstention (Marvin DeFoe). Motion carried.

#### **NEW BUSINESS PERMIT APPLICATIONS**

**JIM JONASEN – SBK SPORTFISHING**

Bryan Bainbridge moved to Deny Jim Jonasen-SBK Sportfishing, due to lack of supporting documents. Seconded by Marvin DeFoe. Discussion: need proof of Insurance along with a copy of their Captain’s Licenses. Motion carried.

**TOM LINDERHOLM – SUPERIOR SPORTFISHING**

Chris Boyd moved to Deny Tom Linderholm-Superior Sportfishing, due to lack of supporting documents. Seconded by Bryan Bainbridge. Discussion: need proof of Insurance along with a copy of their Captain’s License. Motion carried.

**JOE MONTANO – LEGENDARY SOLUTIONS, LLC**

Marvin DeFoe moved to approve the Business Permit for Joe Montano – Legendary Solutions, LLC. Seconded by Dennis Soulier. Motion carried.

**APPOINT TWO (2) MEMBERS TO THE RED CLIFF HOUSING BOARD**

Applicants include Paula Bonney, Ray DePerry, Angie Emrich, Christopher Hicks, Gretchen Morris and Jeanne Gordon. Selection made by secret ballot.

1. Paula Bonney, 4 votes
2. Ray DePerry, 4 votes
3. Angie Emrich
4. Christopher Hicks
5. Gretchen Morris
6. Jeanne Gordon, 6 votes

Dennis Soulier moved to appoint Jeanne Gordon to the Housing Board. Seconded by Marvin Defoe. Motion carried.

Vote by secret ballot was done for Paula Bonney and Ray DePerry resulting in another tie.

A coin flip was done in which resulted in “heads” for Ray DePerry.

Bryan Bainbridge moved to appoint Ray DePerry to the Housing Board. Seconded by Laura J. Gordon. 1-Abstention (Nicholas DePerry) Motion carried.

Laura J. Gordon – moved to destroy the Ballots. Seconded by Nicholas DePerry. Motion carried.

**RATIFY COUNCIL POLL PERTAINING TO APPROVING RESOLUTION ADVISING RED CLIFF RESIDENTS TO STAY AT HOME AND TO ALLOW THE CASINO TO PARTIALLY REOPEN**

Steven Boyd moved to ratify council poll pertaining to approving the resolution advising Red Cliff residents to stay at home and to allow the Casino to partially re-open. Seconded by Chris Boyd. 3-Abstentions (Bryan Bainbridge, Nicholas DePerry and Marvin DeFoe). Motion carried.

**OTHER**

**APPROVAL OF THE FY21 GENERAL FUND BUDGET**

Marvin DeFoe moved to approve the FY21 General Fund Budget as presented. Seconded by Bryan Bainbridge. 1-Abstention (Dennis Soulier). Motion carried.

**ADJOURN**

Bryan Bainbridge moved to adjourn at 6:28 p.m. Seconded by Chris Boyd. Motion carried.

**Respectfully Submitted:**

  
Alana Babineau, Recording Secretary

**ATTEST:**

  
Laura J. Gordon, Secretary  
Red Cliff Tribal Council