

# Red Cliff Band of Lake Superior Chippewa Indians

## Special Council Meeting

June 22, 2021

1:00 p.m. Red Cliff Community Health Center

Chairman Richard Peterson called the meeting to order at 1:00 p.m.

### ROLL CALL:

Richard Peterson, Present  
Nathan Gordon, Present  
Laura J. Gordon, Present  
Dennis Soulier, Present

Bryan Bainbridge, Present @ 4:08 p.m.  
Chris Boyd, Present  
Nicholas DePerry, Present  
Steven Boyd, Present  
Marvin DeFoe, Present

### QUORUM

Others present: Dave Ujke – Tribal Attorney, Wade Williams – Asst. Tribal Attorney, Ashley Peterson – Property & Procurement, Chris Livingston – Gaming Commission, Charles Bressette – Compliance, Gabrielle Vanbergen – TNR, Wade Williams – Legal Department, Gabriel Vanbergen – TNR, Linda Nguyen – TNR, Chase Meierotto – TNR, Amorin Mello – Land's office, and community members.

### OPENING CEREMONY

Opening Ceremony was performed by Marvin DeFoe.

### AGENDA

Dennis Soulier moved to approve the agenda. Seconded by Nicholas DePerry. Motion carried.

### EXECUTIVE SESSION

Steven Boyd moved to go into Executive Session at 1:05 p.m. Seconded by Nathan Gordon. Motion carried.

### REGULAR SESSION

Nathan Gordon moved to return to Regular Session at 4:25 p.m. Seconded by Steven Boyd. Motion carried.

### ACTION FROM EXECUTIVE SESSION

Laura J. Gordon moved to approve the Cash Flow Budget for Legendary Waters Resort & Casino for the month of July 2021 in the amount of 602,800. Seconded by Nicholas DePerry. Motion carried.

Laura J. Gordon moved to approve the Budget for the Red Cliff Business Development Corporation and the Buffalo Bay Store (BBS). Seconded by Chris Boyd. 1-Abstention (Dennis Soulier). Motion carried.

Laura J. Gordon moved to approve the Clinic and Dental Provider Contracts for Khou Xiong, Tiffany Darling, Carol Nyman, Janice Wilber, Patrick Brown and Brent Sunday. Seconded by Steven Boyd. Motion carried.

Laura J. Gordon moved to approve Resolution **6/22/21A** appointing Henry M. Buffalo Jr. as Chief Judge for the Tribal Court. Seconded by Bryan Bainbridge. Motion carried.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **COMMUNITY COMMENTS AND ANNOUNCEMENTS**

George Newago voiced his concerns regarding the Transfer Station Saturday hours. He also remarked that he was recently reprimanded at work for voicing his concerns on a separate issue at a previous Council meeting and that he is speaking solely as a community member. The hours on Saturdays are currently 8:00 a.m. to Noon, he believes extending these hours would be better for most people, especially those that work Monday through Friday. Council will discuss this with the Director.

Nathan Gordon moved to direct EPA staff to evaluate the Transfer Station hours and bring back to Council for consideration if Council action is necessary. Seconded by Marvin Defoe. Motion carried.

A thank you note was read from Julie Erickson. She expressed her appreciation on being named Employee of the Month for June 2021.

The Red Cliff Language Camp is back in person this year from July 6-9, 2021, at Raspberry Campgrounds. COVID-19 safety guidelines will be in place. If you are fully vaccinated, stop by the Red Cliff Community Health Center and provide proof of vaccination. You will receive a wristband. The wristband is required to attend camp. Those who are not fully vaccinated will be required to test daily at the health center. Please contact Richard LaFernier or Red Cliff Tribal Historic Preservation at 715-779-3761 ext. 4803 with any questions.

The 43rd Annual Red Cliff Pow Wow is set for July 3-4 at the Red Cliff Pow Wow Grounds located on Hwy 13 and Aiken Road in Red Cliff. Grand Entries will happen at 1 PM and 7 PM on Saturday, and 12 PM on Sunday.

There is a \$5 entrance fee. However, admission is FREE for those who show an official COVID-19 vaccination card. The Red Cliff Pow Wow is open to all. For more information, contact Pow Wow Coordinator: Demetri Morris 715-779-9463, Drum Pre-Registration: Marvin Defoe 715-209-0374, or Vendor Information: Julie Gordon 715-779-3700.

The Red Cliff Pow-Wow Committee is looking for workers for the Pow-Wow. The pay is \$10 an hour and there are 4 hour shifts available for variety of jobs. Those interested can contact Jeanne or Julie at 715-779-3700.

The motorcycle group Wisconsin Indigenous Riders is touring in support of Missing Murdered Indigenous Women and Missing Murdered Indigenous People on June 25-26 throughout Indigenous nations in Wisconsin. The group will stop in Red Cliff at the end of their ride on June 25, then will start their second day in Red Cliff on June 26. Family Services will be providing a meal for this event.

#### **APPROVAL OF THE ANNUAL INSURANCE RENEWAL PROPOSAL**

The proposal for 2021-22 coverage was presented by Hoka Almstrom from North Risk Partners. He noted an increase in the property protection which he explained was due to national upsurge in lumber prices and costs to the insurance industry incurred from recent national disasters. The property coverage cost also increased due to the additional buildings the Tribe has acquired the past year. If approved, this coverage will be effective July 1, 2021.

Dennis J. Soulier moved to accept the annual insurance proposal from North Risk Partners and bind the coverage effective July 1, 2021. Discussion: Dennis noted the payment plan and schedule for this policy will be addressed at the July 5, 2021, Tribal Council meeting. Seconded by Bryan Bainbridge. Motion carried.

#### **APPROVAL TO WAIVE THE GIFT CARD POLICY**

Ashley Peterson requested a waiver of the gift card policy for the Pow-Wow, Language Camp, Red Cliff Cultural Days, Wolf Camp and Treaty Day. The policy currently limits purchase orders to a maximum of \$500. For these events, larger purchases will need to be made.

Chris Boyd moved to approve the waiver of the gift card policy for the Pow-Wow, Language Camp, Red Cliff Cultural Days, Wolf Camp and Treaty Day for a period of one year. Seconded by Nicholas DePerry. Motion carried.

#### **APPROVAL OF TREASURERS REPORT FOR APRIL 2021**

A few points were discussed.

Laura J. Gordon moved to approve the Treasurers report for the month of May 2021. Seconded by Chris Boyd. 1-Abstention (Dennis Soulier). Motion carried.

#### **APPROVAL OF GAMING COMMISSION REPORT**

Chris Livingston provided the minutes from the June 14, 2021, Gaming Commission meeting. A few two-year gaming licenses reviews were done this past month, the final gaming SOPs were approved by the Commission and sent for Legal review and all seats on the Commission are now filled. A few errors in the minutes were noted.

Bryan Bainbridge moved to approve the Gaming Commission report for June 14, 2021, with corrections as mentioned. Seconded by Steven Boyd. 1-Abstention (Nicholas DePerry) Motion carried.

#### **APPROVAL OF COMPLIANCE REPORT**

Charles Bresette stated most of the past month was focused on the new gaming floor layout and installation of new machines. There were also issues with the door access system that were quickly resolved.

Chris Boyd moved to approve the Compliance report for May 2021. Seconded by Nicholas DePerry. Motion carried.

#### **APPROVAL OF SPECIAL ACCOMMODATION REQUEST FOR CHARLES BABINEAU**

Charles Babineau requested Special Accommodation waiving the requirement of RCCL section 18.4.2(c) for his prohibited felony conviction related to battery or threat to a law enforcement officer. Charles' proposed lease site is located at Bradum Subdivision Lot 24 on North Bradum Road, and his lease application was authorized by Tribal Council Resolution No. 10/7/19D. The prohibited violation and conviction occurred after his lease application was authorized by Tribal Council but before BIA approval of the lease. Mr. Babineau provided all necessary documentation to the Land's office as required.

Bryan Bainbridge moved to approve the Special Accommodation request and waiver of RCCL section 18.4.2(c) for Charles Babineau. Seconded by Nathan Gordon. Motion carried.

#### **APPROVAL OF SPECIAL PERMISSION REQUEST FOR CHARLES BABINEAU**

Charles Babineau requested special permission and waiver of Section 18.6.2, RCCL to develop his property at his pending lease site located at Bradum Subdivision Lot 24 along North Bradum Road after execution of a lease authorized by the Tribal Council but before BIA approval and issuance of the final lease documents. Charles needs to remove his property from its current location before the end of June.

Marvin Defoe moved to approve the Special Permission request by Charles Babineau subject to compliance with all other permitting conditions or requirements. This will allow Mr. Babineau to develop the subject property in an expedited manner. Seconded by Nicholas DePerry. Motion carried.

#### **APPROVAL PROHIBITED STRUCTURE REQUEST FOR CHARLES BABINEAU**

Charles Babineau requested special permission and waiver of Section 18.3.2, RCCL to reside in a camper at a residential lease site located at Bradum Subdivision Lot 24.

Dennis J. Soulier moved to approve the Special Permission request, subject to compliance with all other permitting conditions or requirements. Seconded by Chris Boyd. Motion carried.

#### **APPROVAL OF RESOLUTION PERTAINING TO THE FDPIR GRANT**

Information regarding this item along with the resolution were not in the Council packet. Gabriel Vanbergen explained that this resolution is regards to funding from the USDA - Food Distribution Program on Indian Reservations (FDPIR).

Marvin DeFoe moved to approve Resolution **6/22/21B** pertaining to authorizing participation in the USDA FDPIR 2018 Farm Bill Demonstration Project. Seconded by Dennis Soulier. Discussion: this is the grant to access the traditional foods? Yes, it is it has been amended to reflect it. Motion carried.

#### **APPROVAL TO SUBMIT FY22-25 EPA PROJECT PARTNERSHIP GRANT**

Linda Nguyen, Environmental Director, requested approval to submit the FY 22-25 EPA Project Partnership Grant (GAP, CWA 106/319, Wetlands). These grants provide baseline funds for water and environmental protection. This year, the department was awarded the EPA Wetlands grants and are combining it these funds to streamline paperwork to reduce administrative burden. The funds will support 4 FTE environmental staff (Environmental Director, Water Resources Program Manager, Environmental Tech, and Wetlands Specialist).

Dennis Soulier moved to approve to submit a FY22-25 EPA Project Partnership grant (GAP, CWA 106/319 Wetlands). Seconded by Bryan Bainbridge. Motion carried.

#### **APPROVAL OF MOU VIA RESOLUTION PERTAINING TO USDA-WILDLIFE SERVICES**

Bryan Bainbridge moved to approve Resolution **6/22/21C** pertaining to authorizing entering a MOU with USDA-APHIS Wildlife. Discussion: Bryan Bainbridge asked that future discussions be had on the 6-mile buffer as noted in the MOU. Seconded by Nicholas DePerry. Motion carried.

#### **APPROVAL TO SUBMIT ANA LANGUAGE PRESERVATION AND MAINTENANCE GRANT/RESOLUTION**

Dennis Soulier moved to approve Resolution **6/22/21D** pertaining to the Red Cliff Historic Preservation Departments Ojibwe Language Teacher training project; authorizing submittal of a grant application to the Department of Human Services/Administration for Families/Administration for Native Americans. Seconded by Nicholas DePerry. 1-Abstention (Marvin DeFoe). Motion carried.

#### **APPROVAL TO SUBMIT ANA ARP EMERGENCY NATIVE LANGUAGE FUNDING/RESOLUTION**

The American Rescue Plan Act (ARP), Section 11004 authorized Section 816 of the Native Americans Programs Act (NAPA) of 1974 (42 USC 2992d) to amend Section 803C of NAPA (42 USC 2991b-3) to create (g) Emergency Grants for Native American Language Preservation and Maintenance to award grants to entities eligible to receive assistance under subsection (a) (1) to ensure the survival and continuing vitality of Native American languages during and after the public health emergency declared by the Secretary with respect to the COVID-19 pandemic. This is a non-competitive, two-year grant.

Nicholas DePerry moved to approve Resolution **6/22/21E** pertaining to the Red Cliff Historic Preservation Department grant application to the Department of Human Services/Administration for Families/Administrations for Native American. Seconded by Dennis Soulier. 1-Abstention (Marvin DeFoe). Motion carried.

**APPROVAL OF A CONDITIONAL LAND USE PERMIT FOR PLANNING (ECC SOLAR PAC APPLICATION)**

Dennis Soulier moved to approve a Conditional Land Use Permit for Planning – for ECC Solar PAC application. Seconded by Chris Boyd. Motion carried.

**APPROVAL OF CHAPTER 14 – RED CLIFF TRAFFIC CODE 14.9.2 SPEED LIMIT**

Nathan Gordon moved to approve Chapter 14 – Red Cliff Traffic Code 14.9.2 Speed Limit. Seconded by Dennis Soulier. Motion carried.

**APPROVAL OF CHAPTER 29 – BURIAL ORDINANCE**

Discussion on submitted comments and corrections.

Nathan Gordon moved to approve Chapter 29-Burial Ordinance as presented with amendments, and to authorize a conforming Resolution **6/22/21F**. seconded by Laura J. Gordon. Motion carried.

**APPROVAL OF THE 2021 ADOPTION LIST**

Nathan Gordon moved to approve the 2021 Adoption Referendum Ballot. Seconded by Chris Boyd. Motion carried.

**APPROVAL OF AUTOMATIC MEMBERSHIP SEVEN (7) APPLICANTS**

Nicholas DePerry moved to approve the Automatic Membership of the following applicants:

**CHILD**

Joseph Presley Stupka  
Marlie Ryan Hopkins  
Jack Brady Wade  
Francine Lynn Gutknecht  
Isabella Marie Gordon  
Claire Rae Jeffords  
Aniah Kateri Gokee

**PARENT**

Alaicia M. Red Hail  
Ryan J. Hopkins  
Stacy E. Weber  
William T. Gutknecht, III  
Joshua J. Gordon  
Donald J. Jeffords Jr.  
Curtis C. Gokee

Seconded by Dennis Soulier. Motion carried.

**APPROVAL OF THE 2021 AT-LARGE CANDIDATES FOR THE GENERAL ELECTION**

Dennis Soulier moved to approve the 2021 At-Large Candidates for the General Election. Seconded by Nathan Gordon. 2-Abstentions (Nicholas DePerry and Steven Boyd). Motion carried.

1. Nicholas R. DePerry
2. Angie LaPointe
3. Ruby Ann Miskwa-Bineshi Basina
4. Mark Bresette Jr.
5. Mercie Angela Gordon

6. Demetri Morris
7. Christopher Hicks
8. Steven L. Boyd
9. Vincent "Butch" Bresette
10. William Poch

#### **APPROVAL OF THE 2021 GENERAL ELECTION BALLOT**

Nathan Gordon moved to approve the Official Ballot for the Red Cliff 2021 General Election. Seconded by Bryan Bainbridge. 4 Abstentions (Dennis Soulier, Chris Boyd, Nicholas DePerry and Steven Boyd). Motion carried.

#### **OTHER**

No other business.

#### **ADJOURN**

Steven Boyd moved to adjourn at 6:05 p.m. Seconded by Nathan Gordon. Motion carried.

***Respectfully Submitted:***

  
Alana Babineau, Recording Secretary

***ATTEST:***

  
Laura J. Gordon, Secretary  
Red Cliff Tribal Council