

**R.M. OF LUMSDEN NO. 189  
MINUTES OF THE REGULAR MEETING  
HELD ON NOVEMBER 6, 2014**

The Lumsden Rural Municipal Council convened their regular meeting in the Council Chambers of the R.M. Office, on Thursday, November 6, 2014 at 1:07 p.m. with Reeve, Jim Hipkin presiding.

**Present:** Reeve: Jim Hipkin  
Councillors: Ian White, Dale Srochenski (Arrived at 1:11pm), Tom Harrison (Arrived at 1:29pm), Jim Atcheson, Kent Farago, Al Szeles  
Chief Administrative Officer: Darcie Cooper  
Assistant Administrator: Krystal Strong  
Manager of Public Works: Leighton Watts

**Public Works Report:**

Manager of Public Works, Leighton Watts, provided a written report on various public works matters.

424-14 White: "That the Manager of Public Works' report be accepted as presented." **CARRIED**

**MINUTES:**

425-14 Atcheson: "That the minutes of the October 23, 2014 regular meeting be approved, as circulated." **CARRIED**

**COMMITTEE REPORTS & MINUTES:**

Councillor Jim Atcheson provided a verbal report on the end of season interviews with the public works staff year that he attended on October 31, 2014.

**CORRESPONDENCE:**

426-14 Szeles: "That the attached list of correspondence and reports has been reviewed and the Chief Administrative Officer is authorized to file the same accordingly.

- A. Gerrand Rath Johnson – Ltr re: Proposed Road Closure Bylaw 15-2014
- B. SARM – Potash Tax Sharing
- C. Lumsden & District Heritage Home – Regular meeting minutes – Sept 22, 2014
- D. Dudley & Co. – Audited Financial Statement & Synopsis – December 31, 2013
- E. Sask Min of Hwys & Infrastructure – Winter Weight Road Restrictions
- F. 211 Saskatchewan – Fall Newsletter
- G. Byl – Ltr re: Deer Valley Asphalt
- H. Miscellaneous Publications."

**CARRIED**

**ACCOUNTS TO BE APPROVED:**

427-14 Atcheson: "That the list of accounts attached hereto and forming a part of these minutes and totalling **\$97,214.56**, plus a payment to Al Szeles in the amount of \$476.05 for road tour expenses is hereby approved for payment by the Reeve and the Chief Administrative Officer."

**CARRIED**

**STAFF REPORT:**

**Administrative Report:**

Chief Administrative Officer, Darcie Cooper, provided a written report on various administrative matters.

428-14 Srochenski: "That the CAO's report be accepted as presented."

**CARRIED**

**NEW BUSINESS:**

**Tax Abatement - Eddy:**

429-14 Srochenski: "That we agree to abate the 2014 taxes as detailed below in consideration of an exemption under Clause 293(2)(e) of *The Municipalities Act* for land leased by property owners Mathew & Kali Eddy to be applied to their land legally described as SE 21-20-21-W2 Alt. No. 000721300-010 as follows;

**Municipal: \$651.04 School: \$262.82 Total: \$913.86." **CARRIED****

**Advertising 2013 Tax Arrears:**

430-14 Atcheson: "That the Chief Administrative Officer is authorized to proceed under the Tax Enforcement Act and advertise the list of lands in arrears and without a tax lien, as attached hereto and forming a part of these minutes."

**CARRIED**

**Amend Resolution #412-14 – Deer Valley Move Permits:**

431-14 Farago: "That, upon the advice of the Building Official's office, we agree to amend resolution #412-14 by removing the 5<sup>th</sup> bullet in its entirety:

- *The applicant provide adequate performance security in the form of an irrevocable letter of credit, in an amount sufficient enough to address the above conditions, that would be returnable subject to the above remediation done to the satisfaction of council."*

**CARRIED**

*JRH DC*

**In Camera Session:**

432-14 Srochenski: "That we agree to go in-camera with staff at 1:50 p.m."

**CARRIED****Reconvene:**

433-14 Srochenski: "That we agree to reconvene the meeting at 1:55 p.m."

**CARRIED****Public Submissions for Proposed Road Closure – N ½ 23-19-21-W2:**

At 2:00pm council opened the floor for public submissions regarding the proposed bylaws considering a road closure in NW 23-19-21-W2 and the proposed road closure and transfer in the NE 23-19-21-W2. The following verbal submissions were presented to council and were all in opposition to the road closures:

**Mark Mulatz**, Solicitor with Gerrand Rath Johnson LLP, presented on behalf of Kim and Matt Haring, owners of the business known as Pumpkin Hollow Corn Maze located on land legally described as Parcel A, Plan No. 101442912 provided the following comments:

- Submitted letters dated October 21<sup>st</sup> and October 28<sup>th</sup> regarding the proposed closure
- Object to the proposed closure as it would negatively impact their business known as Pumpkin Hollow Corn Maze
- Traffic flow will be negatively affected as an estimated 25,000 vehicles come to their business each year
- The business is a tourist attraction that employs a number of seasonal workers
- Does not feel the municipality has the jurisdiction to close the road as the road is still used by the travelling public and there has been no consent received from the Ministry of Highways
- Harings will be prejudicially affected by the closure as the rerouting of traffic will affect their business operation and could negatively affect the pending sale of the property
- The Harings will seek substantial compensation from the municipality for the closure
- The bridge is still usable and repairable, the municipality has a duty to repair it and the road
- The municipality is in breach of duty for not repairing the road or bridge in previous years and feel that the proposed land exchange and closure is to avoid repair
- Rerouting the traffic will negatively affect the business as it may take up to 3 years for people to learn the new route
- Indicated that the municipality may expropriated the land to be exchanged for this closure

**Kim Haring:**

- Expressed that she didn't receive a reply from her offer to purchase the road years ago
- She is disappointed than no one from the municipality personally contacted them because some of the children of members on Council work there
- Submitted petition and emails to council

**Randy Ball:**

- Owns land legally described as SE 1-20-21-W2 located north of Highway #11
- He uses the road to transfer equipment from one farm to another
- Closing the road would be inconvenient when having to transfer equipment

**Trevor Cary & Marny Duncan-Cary:**

- Owners of Cary's Trenching and Cary's Rock and Crystal House located in the NW Ptn. 24-19-21-W2
- They advised that they do not use the road very much, however indicated that Pumpkin Hollow is a very successful business and they do not want to see their business suffer by the proposed road closure
- As a result of the Pumpkin Hollow business, their businesses get a lot of traffic, which they wouldn't get if the pumpkin hollow traffic was re-routed
- The road in question has been in terrible shape for years
- It would be cheaper for the RM to repair the road rather than any other options, including paying compensation to the Harings
- Council should find an alternative solution rather than closing the road

**Florence Ziegler:**

- Owner of 3-Flags Motorsports located along Exit C on land legally described as SW Ptn. 36-19-21-W2
- As a business person she doesn't want to see the Pumpkin Hollow business suffer
- Stated that people stop and ask for directions to Pumpkin Hollow, which generates interest in her business
- Feels that the road should be repaired and looked after by the municipality

**Ryan Fitzsimmons:**

- Lives on the SW Ptn. 26-19-21-W2
- Has concerns regarding the amount of traffic from Pumpkin Hollow that will be re-routed by his home and feels that the route past his place would require upgrades, as it can barely sustain the traffic that uses it now
- Lives near Pumpkin Hollow
- Does not want to see the Pumpkin Hollow business suffer and is happy with status quo

TRH 

M-11

**Cal Nugent:**

- Lives on the W ½ of the NW 23-19-21-W2
- Does not want to see the loss of the business to Pumpkin Hollow
- Currently works from home and is already affected by the noise, traffic and he has concerns about safety with the road by his place
- Feels his property value will depreciate with the re-routing of traffic by his place
- Has concerns with the road quality by his place and the new owners may decide to expand the Pumpkin Hollow business, increasing traffic even further
- States that Ryan Fitzsimmons currently maintains the road by their place 80% of the time
- Have seen accidents and roll-overs on the road
- Agrees that using the west-side road is best, but may cause some hardships for Pumpkin Hollow
- Indicated that things with the business and traffic is good right now and that he has no concerns with the business

**Dave Hansen:**

- Lives on the Ptn. NW 23-19-21-W2
- Agrees with the statements of Cal Nugent and Ryan Fitzsimmons
- Some major work is required to handle that much traffic
- Pumpkin Hollow should be valued because it is geared towards family and outdoor activities
- The road in question is rocky enough that you can drive on it in bad weather in 4x4, as opposed to the West side where it gets very slippery when wet and nearly impassable
- Would like to find a way to keep the bridge open

**Sterling Hornoi:**

- Daughter is Kim Haring, owner of Pumpkin Hollow Corn Maze
- Road has always been a problem
- Offered, in the past, to help financially with the bridge work but decided not to if it were to remain open to the public and not just Pumpkin Hollow visitors
- A culvert should be installed and the road should be upgraded
- Land should not be exchanged
- Road has been there for years and was likely an old wagon trail to start with
- Pumpkin Hollow is a really good business and helps tourism

**Lynley Schaffer:**

- Not a resident of Lumsden but hopes to be with the purchase of the property owned by the Haring's where Pumpkin Hollow is located
- He and his wife Tiffany offered to purchase the business
- Would like to see the business prosper
- He is appreciative of councils' efforts and realizes it is a tough decision
- Would like to continue running the business as status-quo
- Closing the road would be a disadvantage to the business and surrounding houses
- The road closure would devalue the property
- The road is the quickest route to Lumsden for some residents and the closure could be an issue in the event of an emergency
- The grid road (Exit C) services five other businesses and the closure of this road would impact them as they wouldn't see traffic from Pumpkin Hollow
- The road hasn't received the attention it should have
- Would like to work with council towards a solution as a team
- The RM and the Town of Lumsden see economic spin-offs from the business

**Recess:**

434-14 Szeles: "That we agree to recess the meeting for 10 minutes at 2:50 p.m."

**CARRIED****Reconvene:**

435-14 Srochenski: "That we agree to reconvene the meeting at 3:00 p.m."

**CARRIED****Recess Regular Meeting:**

436-14 Atcheson: "That we recess the regular meeting at 3:00 p.m. for the purpose of holding a public hearing for the proposed Zoning Bylaw amendment, Bylaw No. 12-2014 and the Official Community Plan amendment Bylaw No. 14-2014."

**CARRIED****Reconvene:**

437-14 Srochenski: "That we agree to reconvene the meeting at 3:10 p.m."

**CARRIED****In Camera Session:**

438-14 Atcheson: "That we agree to go in-camera with staff at 3:11 p.m."

**CARRIED****Reconvene:**

439-14 White: "That we agree to reconvene the meeting at 4:12 p.m."

**CARRIED**

JRH DC

**OLD BUSINESS:****Road Closure and Transfer Request - Walsh – NW 32-20-21-W2:**

440-14 Harrison: "That we agree to support the road closure and transfer request submitted by Bill Walsh for the road allowance through the NW 32-20-21-W2, subject to an access agreement being entered into with the Estate of the late Bob Phillips for the property legally described as SE Ptn. 32-20-21-W2 with the Nature Conservancy of Canada (NCC) to ensure legal access to the property; and

That we agree with the recommendation of Councillor Tom Harrison to pursue the road closure and transfer of the road allowance through the SE 32-20-21-W2, NE 29-19-21-W2 and the ESE 29-19-21-W2 to be transferred to NCC."

**CARRIED****Rezoning – Terra Development – SE 06-19-20-W2:**

441-14 Farago: "That we agree to commence rezoning procedures to rezone a portion of land from A – Agriculture to CR2 – Country Residential District and a portion of land from A – Agriculture to C2 – Highway Commercial Development for land legally described as SE 06-19-20-W2; and That we request a planning fee deposit in the amount of \$3,000.00 from the applicant."

**CARRIED****NEW BUSINESS:****Assistant Administrator – Status and Salary Step:**

442-14 Farago: "That, based on Assistant Administrator, Krystal Strong, obtaining her Urban & Rural Administrators Certificates from the respective Board of Examiners, we approve the following salary step increase in accordance with the Joint Administration Salary Grid:

Krystal Strong      Assistant Administrator      Increase to Step 8 - \$52,337.00/year retroactive to Sept 15, 2014."

**CARRIED****2014 RM Christmas Party:**

443-14 Atcheson: "That we agree to purchase supper and two beverage tickets and have a sleigh ride for RM council, staff and spouses at an informal Christmas gathering at the Lumsden Hotel & Steak Pit on December 19<sup>th</sup>, 2014; and

That Councillor Dale Srochenski will organize the sleigh ride."

**CARRIED****Provincial Disaster Assistance Program – Amendment to Designation:**

444-14 Atcheson: "That based on information received from a ratepayer, we agree to submit a request to the Ministry of Government Relations, Provincial Disaster Assistance Program (PDAP) to amend the designated spring flooding dates from "April 23, 2014 to May 6<sup>th</sup>", 2014", to April 9<sup>th</sup>, 2014 to May 6<sup>th</sup>, 2014."

**CARRIED****Bridge Inspection - NW 23-19-21-W2:**

445-14 Farago: "That we authorize the Chief Administrative Officer to arrange for an inspection with the SARM Bridge branch to inspect the bridge located in the NW 23-19-21-W2 to get an update on the condition of the bridge since the last inspection report that was received in 2012."

**CARRIED****Dirt Road Improvement - Malowany Reimbursement Request:**

446-14 Atcheson: "That, as dirt road work was budgeted for in Division 4 but inclement weather prevented public works from performing dirt road improvements, we agree to reimburse Gerald Malowany 50% of the contractor's cost in the amount of \$976.50 including GST, to make improvements to the dirt road located along the WSW 34-20-19-W2 and WNW 27-20-19-W2 to facilitate access to crop land."

**CARRIED****Bylaw No. 12-2014 A bylaw to amend the Zoning Bylaw No. 7-2012 – 2<sup>nd</sup> Reading:**

447-14 Srochenski: "That, Bylaw No. 12-2014, being a bylaw to amend Zoning Bylaw No. 7-2012, be read a second time."

**CARRIED****Bylaw No. 12-2014 A bylaw to amend the Zoning Bylaw No. 7-2012 - Adoption:**

448-14 White: "That, Bylaw No. 12-2014, being a bylaw to amend Zoning Bylaw No. 7-2012, be adopted, signed and sealed."

**CARRIED****Bylaw No. 14-2014 A Bylaw to amend the OCP Bylaw No. 6-2012 – 2<sup>nd</sup> Reading:**

449-14 Srochenski: "That, Bylaw No. 14-2014, being a bylaw to amend Official Community Plan Bylaw No. 6-2012, be read a second time."

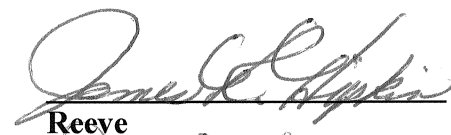
**CARRIED****Bylaw No. 14-2014 A Bylaw to amend the OCP Bylaw No. 6-2012 – Adoption:**

450-14 Atcheson: "That, Bylaw No. 14-2014, being a bylaw to amend Official Community Plan Bylaw No. 6-2012, be adopted, signed and sealed."

**CARRIED****ADJOURNMENT:**

451-14 Srochenski: "That we adjourn this meeting at 5:52 p.m."

**CARRIED**

  
Reeve

  
Chief Administrative Officer

**R.M. OF LUMSDEN No. 189**

**PROVINCE OF SASKATCHEWAN**

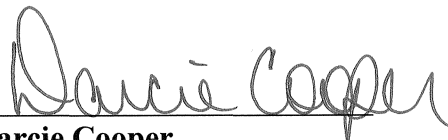
**List of lands with arrears of taxes as at November 6, 2014**

Date November 6, 2014 . (Section 3(1) of *The Tax Enforcement Act.*)

	<i>Part of Lot</i>	<i>Lot</i>	<i>Blk.</i>	<i>Plan</i>	<i>Total Arrears</i>
<i>Assessment Number</i>	<i>Part of Section</i>	<i>Twp</i>	<i>Rge</i>	<i>Meridian</i>	
000636301-010	Ptn SE 36	20	20	W2	3,640.65
000531400-010	SW 31	20	19	W2	601.07
000636300-010	SE 36	20	20	W2	507.10
000306300-010	SE 6	19	21	W2	361.55
000306400-010	SW 6	19	21	W2	186.15
000402100-010	NE 2	19	22	W2	857.94
000411300-010	SE 11	19	22	W2	842.99
000808300-010	SE 8	20	22	W2	541.61
000207200-010	NW 7	19	20	W2	2,363.95
000207400-010	SW 7	19	20	W2	2,287.44
000425304-010			4	95R37747	8,015.88
000510100-010	NE 10	20	19	W2	1,616.39
000510300-010	SE 10	20	19	W2	1,436.42
515001900-010		38	1	01RA14458	10,007.82
000331301-010	Ptn SE 31	19	21	W2	98.12
000331401-010	Ptn SW 31	19	21	W2	12.68
505002850-010		06	04	00RA29175	1,768.87
001005300-010	SE 5	21	19	W2	2,222.25
000420303-010			B	10136928	26.51
<b>Total</b>					<b>\$37,395.39</b>

SEAL

Submitted to the head of the council  
this 6<sup>th</sup> day of November, 2014

  
**Darcie Cooper**  
**Chief Administrative Officer**

JRH