

**R.M. OF LUMSDEN NO. 189  
MINUTES OF THE REGULAR MEETING  
HELD ON FEBRUARY 11, 2016**

The Lumsden Rural Municipal Council convened their regular meeting in the Council Chambers of the R.M. Office, on Thursday, February 11, 2016 at 1:05 p.m.

**Present:** Reeve: Jim Hipkin  
Councillors: Cody Jordison, Ian White (Arrived at 1:08pm),  
Dale Srochenski, Al Szeles, Ed Thorpe  
Chief Administrative Officer: Darcie Cooper  
Asst. Administrator: Krystal Strong  
Manager of Public Works: Leighton Watts

**Absent:** Councillor: Kent Farago

**PUBLIC WORKS REPORT:**

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

57-16 Thorpe: "That we authorize the Employee Committee to determine the need for an additional seasonal equipment operator; and That, should the Employee Committee determine there is a need for an additional seasonal equipment operator, we authorize the Committee to proceed with advertisement for the position and the hiring process." **CARRIED**

58-16 Jordison: "That the Manager of Public Works report be accepted as presented." **CARRIED**

**MINUTES:**

59-16 Jordison: "That the minutes of the January 28, 2016 regular meeting be approved, as circulated." **CARRIED**

**CORRESPONDENCE:**

60-16 Srochenski: "That the attached list of correspondence and reports has been reviewed and the Chief Administrative Officer is authorized to file the same accordingly.

- A. Lumsden Valley Community Association (LuVCA) – Email re: Planner's comments on recent OCP hearing
- B. WSA–Aquatic Habitat Protection Permits–NW11&18-19-21-W2, NE 28-20-20-W2 & SE 26-19-22-W2
- C. Ombudsman Saskatchewan – Sharing of Information to Municipalities
- D. Lumsden & District Heritage Home – Reg Meeting Minutes – December 21, 2015
- E. Fort Distributors – Email re: 2016 Dust Control Quote
- F. Town of Lumsden – Ltr re: Proposed Subd. In SE 6-20-21-W2
- G. RCMP Southey/Strasbourg Detachment – Community Policing Report Oct to Dec 2015
- H. SAMA – 2015 Assessment Roll Confirmed
- I. Allnorth – Graf Bridge Replacement Analysis Memo and Cost Estimate
- J. SARM – Email re: Civic Addressing
- K. Atlheritage Services Corp–Ltr re: Heritage Resources Impact Assessments & Cemetery services
- L. AECOM – Bridge Inspection Reports
- M. Sask Municipal Board – Notice of Appeal – Colhoun – Subd. Refusal – NE 01-20-21-W2
- N. Miscellaneous Publications."

**CARRIED**

**ACCOUNTS TO BE APPROVED:**

61-16 Srochenski: "That the list of accounts attached hereto and forming a part of these minutes and totalling **\$92,363.86** are hereby approved for payment by the Reeve and the Chief Administrative Officer." **CARRIED**

**STAFF REPORTS:**

**Administrative Report:**

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

**Agreement to Close & Transfer Municipal Road - Mitschke:**

62-16 Jordison: "That we authorize the Reeve and Chief Administrative Officer to sign the Agreement to Close and Transfer all or part of a Municipal Road with Barry & Valerie Mitschke for the roadway known as Karasin Road, located through the NW ¼ 3-20-21-W2." **CARRIED**

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**SARM Annual Convention & Voting Representative:**

- 63-16 Srochenski: "That we authorize all interested council members, the CAO and Assistant Administrator to attend the SARM Annual Convention March 7-10, 2016 held at Queensbury Convention Centre in Regina, with expenses to be reimbursed by the municipality; and  
That we appoint Reeve Jim Hipkin and Councillor Ian White as the voting delegates."  
**CARRIED**

**Closed Session:**

- 64-16 Szeles: "That we agree to move into closed session for the purpose of discussing strategic planning as allowed pursuant to Section 120 of *The Municipalities Act*, with staff to be included in the session."  
**CARRIED**

**Rise from the Closed Session:**

- 65-16 Szeles: "That we agree to rise from the closed session and return to the open meeting."  
**CARRIED**

**Councillor Dale Srochenski requested a recorded vote:****Development Levy Study – Additional Information:**

- 66-16 Thorpe: "That we authorize administration to research other Rural Municipalities that have had development levy studies done and whether they have enacted a development levy bylaw; and  
That we request administration to research appeal decisions made by the Saskatchewan Municipal Board (SMB) regarding the application of municipal development levies which have been established through an engineering study."

**CARRIED UNANIMOUSLY**

*In Favor: Jim Hipkin, Al Szeles, Ian White, Ed Thorpe, Dale Srochenski, Cody Jordison*  
*Opposed: none.*

**Councillor Dale Srochenski requested a recorded vote:****Off Site Servicing Fees – Tiered Approach:**

- 67-16 Srochenski: "That we agree with the recommendation of Chief Administrative Officer, Darcie Cooper and implement a tiered off-site servicing fee structure, using the established existing fee of \$10,000.00 as a basis for the following rates:
1. Existing residential development - Exempt from the off-site servicing fee and the need for a servicing agreement;
  2. Single Country Residential parcel subdivisions with direct access off Provincial Highways (No. 11, No. 54, No. 20, No. 6) with no access from municipal infrastructure – Exempt from the requirement of an off-site servicing fee;
  3. Single Country Residential parcel subdivisions located within a preferred transportation corridor as identified on the municipality's Official Community Plan Bylaw No. 6-2012 Future Land Use Map – 50% of the current off site fee (\$5,000).
  4. Single Country Residential parcel subdivisions located outside of a preferred transportation corridor as identified on the municipality's Official Community Plan Bylaw No. 6-2012 Future Land Use Map – 75% of the off-site servicing fee (\$7,500).
  5. Multiple parcel subdivisions requiring rezoning - 100% of established fee (\$10,000).
- Reduction of fees may be considered if the subdivision is directly accessed from a Provincial Highway or located within a preferred transportation corridor; and  
That council reserves the right to determine a fee different from the above fee structure, if they feel that a proposed subdivision will result in additional capital costs in accordance with Section 172(3)(b) of *The Planning and Development Act, 2007*, depending upon the specific location of the subdivision; and  
That subdivisions located within the Joint Planning Area as outlined in the municipality's Official Community Plan Bylaw No. 6-2012, established around the Town of Lumsden, may be subject to additional fees imposed by the Town of Lumsden to accommodate any future capital costs the Town may deem necessary as a result of the subdivision; and  
That this fee structure will be in place until July 31<sup>st</sup> at which time it will be reviewed by council."  
**CARRIED**

*In Favor: Jim Hipkin, Ed Thorpe, Dale Srochenski, Cody Jordison*  
*Opposed: Al Szeles, Ian White*

**Deer Valley Hamlet Petition – Additional Information:**

- 68-16 Jordison: "That we acknowledge the petition submitted by Charlene Johnson on behalf of residents in Deer Valley, petitioning for Deer Valley to become a hamlet; and  
That we authorize administration to provide us with a cost analysis report regarding the remaining 30% of tax revenue the petitioners propose to be retained by the municipality and costs that can be attributed to Deer Valley based on a per capita analysis."  
**CARRIED**

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69-16 Thorpe: "That the Administrative report be accepted as presented."

**CARRIED****OLD BUSINESS:****IHunter App – Data Sharing Agreement:**

70-16 Srochenski: "That we authorize the Reeve and the CAO to sign the Digital Data License Agreement with Inside Outside Studios Inc. for the use of the digital land ownership map of the municipality in the mobile app IHunter once the municipality has obtained the rights to the digital data."

**CARRIED****SARM Resolution – Supporting Growth - Development Levies and/or Servicing Fees:**

71-16 White: "That we agree to submit the following resolution to the 2016 SARM Annual Convention:

WHEREAS the Province of Saskatchewan is experiencing increase growth and municipalities are facing increased infrastructure challenges related to this growth; and  
 WHEREAS there is considerable impact on municipal infrastructure for this increase in growth that is not realistically recoverable through property taxation; and  
 WHEREAS increased development contributes to escalated deterioration of existing infrastructure requiring significant repair and/or replacement of that existing infrastructure at a faster rate than if the development were not to occur, putting increase property taxation demand on existing ratepayers due to the development; and  
 WHEREAS Section 172 of *The Planning and Development Act, 2007* provides for municipalities to enter into servicing agreements with subdivision applicants and provides for collection of fees as established by council as payment in whole or in part for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities, or park and recreation space facilities, located within or outside the proposed subdivision, and that directly or indirectly serve the proposed subdivision; and  
 WHEREAS the Saskatchewan Municipal Board, Planning Appeals Committee has made a decision that they do not accept the argument that all residential subdivisions have an impact on municipal infrastructure to warrant the collection of servicing agreement fees and that they believe the intent of the legislation requires that different levels of burden need to be determined based on the intensity of subdivision which then defines the level of the fee a servicing agreement can seek from an applicant; and  
 WHEREAS the Saskatchewan Municipal Board, Planning Appeals Committee in Appeal decision PAC 2013-0004 stated that "The use of servicing fees is a rather blunt tool to attempt to fund capital infrastructure deficit. A servicing fee could be legitimate if a new infrastructure cost to the RM can be directly attributed to a new subdivision."; and  
 WHEREAS the Saskatchewan Municipal Board, Planning Appeals Committee suggests that municipalities need to consider the use of development levies (sections 169-171 of the Act) as a preferable method to fund capital projects that result from new development projects, with the understanding that it is an onerous process; and  
 WHEREAS according to Subsection 169(2) of *The Planning and Development Act, 2007* development levies can only be imposed where a development does not involve a subdivision of land; and  
 WHEREAS the Community Planning Branch of the Ministry of Government Relations has encouraged municipalities to collect adequate development fees to ensure that development pays their own way; and  
 WHEREAS it is the position of the municipality that every new subdivision in a municipality has an impact on the infrastructure and that applicants of new subdivisions should have to pay a fee towards future infrastructure improvements as a result of that impact; and  
 WHEREAS ratepayers in a municipality have paid the costs for infrastructure development that future applicants take advantage of if the infrastructure already exists and should contribute to those infrastructure costs to reduce the burden of future infrastructure capital costs to existing ratepayers; and  
 WHEREAS the Saskatchewan Municipal Board supports the Government of Saskatchewan's plan for growth by supporting local authorities, primarily municipalities, in ensuring fiscally sustainable growth as outlined in the Saskatchewan Municipal Boards 2014 annual report, yet recent decisions of the Saskatchewan Municipal Board's Planning Appeals Committee has overruled fees that municipalities deem to be necessary for sustaining growth; and  
**BE IT RESOLVED** that SARM lobby the Ministry of Government Relations to do a complete review of Part VIII of *The Planning and Development Act, 2007* relating to Development Levies and Servicing Fees, in consultation with stakeholders, to provide the ability for municipalities to charge fees that ensure development pays their fair share of the impact to existing and future infrastructure from their development in a manner which

will be defensible to the Saskatchewan Municipal Board and transparent to all applicants.”

**CARRIED**

**SARM Resolution – Saskatchewan Municipal Board, Planning Appeals Committee –**

**Standards of Review:**

72-16 Srochenski: “That we agree to submit the following resolution to the 2016 SARM Annual Convention:

WHEREAS The Saskatchewan Municipal Board (SMB), Planning Appeals Committee (PAC) is the authority to hear appeals with respect to disputes over important planning matters such as servicing agreements and development levy agreements; and  
WHEREAS Municipal Councils are democratically elected and are in the best position to understand the priorities and financial realities of their community; and  
WHEREAS the PAC has not identified a clear and consistent standard of review in its decisions; and  
WHEREAS the PAC has accepted appeals submitted by appellants with little to no detail as to reasons for the appeal, making the submission from the municipality extremely difficult; and WHEREAS PAC decisions are often based on precedents established in previous decisions which are not published in a data base available to municipalities; and  
**BE IT RESOLVED** That SARM lobby the Ministry of Government Relations to amend The Planning and Development Act and The Saskatchewan Municipal Board Act to clarify the procedures by which PAC hearings will be conducted and to clarify the standard of review which PAC will consider in making its decisions.” **CARRIED**

**Lumsden Library – Proposed Hours of Operation:**

73-16 Jordison: “That we accept the Lumsden Library’s proposed hours of operation, which include the additional five hours previously approved, as follows:

- Monday & Wednesday 1:00 – 5:30pm and 6:00 – 8:00pm
- Friday & Saturday 9:30am – 12:30pm and 1:00 – 4:00pm.”

**CARRIED**

**Dev. App. #2016-001 – Subdivision – McNiece – Parcel A Plan 101915951:**

74-16 Jordison: “That we recommend approval to the Director of the Community Planning Branch of the Ministry of Government Relations for the subdivision application submitted by Douglas McNiece to subdivide two 10 acre residential parcels from land legally described as Parcel A Plan 101915951 within the SE & SW 6-20-21-W2, with Parcel A Extension 1 to accommodate a new yard site and Parcel B consisting of the existing yard site, subject to the following:

- Signing of a servicing agreement for proposed Parcel A Ext. 1, with no requirement to pay off-site servicing fees, due to the fact that the parcel will be directly accessed from No. 11 highway; and
- Proposed Parcel B, consisting of the existing yard site, is exempt from the requirement of a servicing agreement; and
- That we agree to accept cash in lieu of municipal reserve land dedication in the amount of \$2,000.00 for applicable parcels, if reserve dedication is deemed applicable by the Community Planning Branch; and
- Approval from the Ministry of Highways and Infrastructure is obtained by the applicant and that legal and physical access is secured for the proposed new parcels and the remaining parcels within Highway No. 11 right of way.” **CARRIED**

Rescinded  
Res #169-16

**NEW BUSINESS:**

**Return to Work Call-back – Public Works Employees:**

75-16 Srochenski: "That we authorize administration to issue call back letters to seasonal employees on lay-off including Rod Glass, Randy Walters, Brian Cooper and Dave Nicholson for return to work on April 4<sup>th</sup>, 2016; and

That we request a response from the employees as to their intentions to return to work by February 25, 2016." **CARRIED**

**2016 Custom Work Rates:**

76-16 Srochenski: “That we agree to set the 2016 custom work rates performed with municipal equipment at \$250.00 per hour, with work completed at the discretion of the Manager of Public Works, and RM work to take priority; and

That we provide a discount of 50% to ratepayers as detailed below, with these rates and discounts to be reviewed on an annual basis (*no change since 2014*):

- \$125.00 minimum for the 1<sup>st</sup> hour and \$62.50 per each additional ½ hour,
- Contract Work is done at the discretion of the Manager of Public Works, R.M. work to take priority,
- A consent form is to be filled out relieving the Municipality from any liability that may be incurred,

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- Work is to be completed in the course of normal grading activity,
- Contracted Work is only available from May – October – snow removal not available,
- Billing be recorded in a bill book and submitted to the office for invoicing,
- Any unpaid monies will be added to the ratepayer's taxes." **CARRIED**

**Medical Evaluations:**

- 77-16 Thorpe: "That we authorize administration to research the municipality's options for requiring medical reports/evaluations from outside employees, to bring back to the next meeting." **CARRIED**

**McDougall Gauley – Letter Regarding Pumpkin Hollow:**

- 78-16 White: "That we agree to forward the letter received from McDougall Gauley, legal counsel for Ryan Fitzsimmons regarding the business operating as Pumpkin Hollow, to the municipal solicitor for his comments and response." **CARRIED**

**MLDP Workshops:**

- 79-16 Srochenski: "That we authorize Councillor Cody Jordison to attend a module offered by the Municipal Leadership Development Program on March 7, 2016 in Regina, SK, at a cost of \$135.00 with expenses to be reimbursed by the municipality; and  
That we authorize Manager of Public Works, Leighton Watts to attend the Public Relations & Communications for Municipalities workshop hosted by the Municipal Leadership Development Program on March 7, 2016 in Regina, SK, at a cost of \$135.00, with expenses to be reimbursed by the municipality." **CARRIED**

**Saskatchewan Assessment Management Agency (SAMA) – 2016 Maintenance Service:**

- 80-16 Thorpe: "That we approve the payment of the SAMA Municipal Invoice in the amount of \$28,022.00 for 2016 operating costs and maintenance service fees." **CARRIED**

**Dev. App. #2016-004 – Subdivision – Horaska – NW 12-20-22-W2:**

- 81-16 Jordison: "That we recommend approval to the Director of the Community Planning Branch of the Ministry of Government Relations for the subdivision application submitted by Dale & Joan Horaska to subdivide one 20 acre residential parcel consisting of the existing yard site and farm from land legally described as NW 12-20-22-W2." **CARRIED**

**Bylaw No. 01-2016 – Council Procedure Bylaw – 2<sup>nd</sup> Reading:**

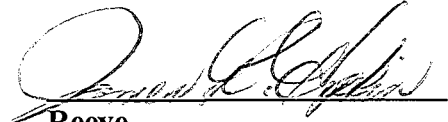
- 82-16 Thorpe: "That Bylaw No. 01-2016, being the Council Procedure Bylaw, be read a second time." **CARRIED**

**Bylaw No. 01-2016 – Council Procedure Bylaw – Adoption:**


- 83-16 Srochenski: "That Bylaw No. 01-2016, being the Council Procedure Bylaw, be read adopted, signed and sealed." **CARRIED**

**Adjournment:**

- 84-16 Srochenski: "That we adjourn the meeting at 4:58 p.m." **CARRIED**



Reeve



Chief Administrative Officer