

**R.M. OF LUMSDEN NO. 189  
MINUTES OF THE REGULAR MEETING  
HELD ON AUGUST 13<sup>th</sup>, 2009**

The Lumsden Rural Municipal Council convened their regular meeting in the Council Chambers of the R.M. Office, on Thursday, August 13<sup>th</sup>, 2009 at 1:10 p.m. with Reeve Jim Hipkin presiding.

**Present:** Reeve: Jim Hipkin  
Councillor: Kent Farago Bill Marquardt, Tom Harrison  
Al Szeles, Jim Atcheson

Administrator: Wayne Zerff  
Office Services Clerk: Lorrie Farago  
Mgr. Public Works: Don Barnett

**Absent:** Councillor: Dale Srochenski

**Minutes:**

260-09 Atcheson: "That the minutes of the July 16<sup>th</sup> regular meeting be approved as circulated."  
*CARRIED*

**Delegation:**

1:55pm Ted Koch of AECOM Engineering appeared before council to open tenders for the Sand Seal Coat for 3.0 km of Grid 734 located in the south boundary of Sections 1 & 2-19-21-W2. Two tenders were received, one from BLS Asphalt Inc. and one from Venture Construction Inc.

**Correspondence:**

261-09 Farago: "That the attached list of correspondence and reports have been reviewed and the Administrator is authorized to file the same accordingly.

- A. SK Highways & Transportation – Ltr. re: Municipal Bridge Inspections 2009
- B. MP Tom Lukiwski – Ltr. re: Input for 2010 Federal Budget
- C. SAMA – Ltr. re: Resolutions at 2009 SAMA Annual Meeting
- D. Elysia Schuurmans – Ltr. re: Thank you for Scholarship
- E. SWA – Ltr. to Belle Plain Hutterite Colony re: Irrigation Dev. SE 20-19-22-W2
- F. Pasqua Paving – Ltr. re: June 2009 Royalties
- G. Lumsden & District Heritage Home – Tues. June 16/09 meeting minutes
- H. PCAB – Ltr. re: Clean Up Grant for abandoned farm yards
- I. AECOM – Copy of Tender Ad Seal Coat Old No. 11 hwy
- J. Misc. Publications."

*CARRIED*

**Accounts to be Approved:**

262-09 Atcheson: "That the list of accounts attached hereto and forming a part of these minutes and totalling \$349,259.78, including council remuneration, is hereby approved for payment by the Reeve and Administrator."  
*CARRIED*

**Bank Reconciliation & Financial Statement:**

263-09 Atcheson: "That the Bank Reconciliation and the Financial Statement for the period ending July 31<sup>st</sup>, 2009 be accepted as submitted."  
*CARRIED*

**Committee Reports:**

Councillor Harrison provided a verbal report on concerns over Noxious Weeds.

264-09 Marquardt: "That the committee report be accepted as presented."

*CARRIED*

**Staff Reports:**

**Administrator's Report:**

Administrator, Wayne Zerff provided a verbal report on various administrative issues.

265-09 Szeles: "That the Administrator's verbal report be accepted as presented."

*CARRIED*

*WZ  
JRH*

**NEW BUSINESS:****Semple – Installation of Sod & Sprinklers in Right of Way:**

266-09 Szeles: "That we authorize the Administrator to send a letter to Shaun Semple informing him that the municipality will not be held responsible for any damages to the sod and sprinklers that were installed without the municipality's knowledge or approval, in the right of way along the road located adjacent to his property legally described as SE 6-19-19-W2, specifically damages that may be caused by regular maintenance and/or any future road improvements the municipality may undertake."

**CARRIED****Sand Seal Coat – Tender Award – Grid 734 (Old No. 11 Highway):**

267-09 Farago: "That we accept the tender provided by BLS Asphalt Inc. for the Sand Seal Coat of a 3.0 km section of Grid 734 (Old No. 11 Highway) located south of Sections 1 & 2-19-21-W2 at a tendered cost of \$75,874.00 including all materials, with work to be completed September 23<sup>rd</sup> - 30<sup>th</sup>."

**CARRIED**

*Councillor Farago left the meeting at 2:05 p.m.*

**Noxious Weeds – Ratepayer's Meeting:**

268-09 Harrison: "That we agree to organize a meeting in conjunction with the Agriculture Committee to look at options to control Leafy Spurge in the municipality; and That we extend the invitation to all ratepayers, Village of Buena Vista, Town of Regina Beach, Village of Lumsden Beach, Kinookimaw and the Department of Highways."

**CARRIED****Amend Res. 177-09 – Erosion of NW 07-19-21-W2:**

269-09 Acheson: "That we agree to amend resolution 177-09 by replacing the words "Channel Clearing assistance" with "Erosion Control" regarding application to Sask Watershed Authority for an erosion solution at the bridge located at NW 07-19-21-W2."

**CARRIED****Deer Valley 2009 – 1<sup>st</sup> & 2<sup>nd</sup> Quarter Hamlet Allotment:**

270-09 Marquardt: "That we authorize the administrator to apply \$31,272.19 to tax arrears as requested by Deer Valley Golf & Estates in the following manner:

Alt# 505001350-010 – 16 Deer Crest Run - \$1,257.31

Alt# 525070500-010 – Deer Valley Golf Course - \$30,014.88

as per the invoice submitted by Deer Valley for January - June 2009 maintenance performed within the Hamlet, with this expense to be applied against their 40% Hamlet Allotment, in accordance with the Contract Zoning and Servicing Agreement."

**CARRIED**

*Councillor Farago returned to the meeting at 2:40 p.m.*

**Local & Regional Library Board Representative:**

271-09 Farago: "That we appoint Councillor Srochenski as a replacement for Herman Wagner on the Local and Regional Library Boards."

**CARRIED****Wascana Water Co-op – Water Line Extension within Road Allowance:**

272-09 Farago: "That we authorize Wascana Water Co-operative Limited to install 340 metres of water line within the municipal road allowance located along the ESE 5-19-21-W2 to service property legally described as the NW 4-19-21-W2 to service property owned by Dale Osborne, subject to the following conditions:

- installation of the water line be at a depth of a minimum of 9 feet
- the municipality will not be held responsible to any damage to the water line that may be caused in the future by any road maintenance or construction projects."

**CARRIED****Nature Conservancy Easement – Ptn. SE & NE 30-19-21-W2:**

273-09 Farago: "That we authorize the Administrator to send a letter to the Nature Conservancy of Canada indicating Council has no concerns with the conservation easement agreement between Bernard Bintner and the Nature Conservancy of Canada for the land legally described as ptn SE & NE 30-19-21-W2."

**CARRIED**

WJ  
JRH

**Asphalt Paving –Flying Creek Bridge:**

274-09 Szeles: “That we accept the quote provided by BLS Asphalt Inc. for the surfacing of the new bridge on Flying Creek in Division 5, located on land legally described as NE 11-20-21-W2 at a cost of \$7,930 plus GST.” **CARRIED**

**Sask Energy Service – NW 04-19-21-W2:**

275-09 Marquardt: “That we approve the rural distribution pipeline extension request submitted by Sask Energy to service property owned by Dale Osborne on land legally described as Ptn. NW 04-19-21-W2.” **CARRIED**

**Mortgage Interest for Servicing Agreement Fees – Whitetail Ridge Estates:**

276-09 Farago: “That we agree to accept the proposal submitted by Westridge Developments Ltd. to collect the servicing agreement fees totalling \$50,000.00, as per their revised plan indicating 20 new lots, known as Whitetail Ridge Estates in Deer Valley and legally described as Lots 1-20, Block 1, Plan 101986678 through a mortgage interest registered on the titles for the properties ; and  
That Block X, Plan 101986678 will be applicable for per unit off-site servicing fees, should the multi-unit development on this property be approved in the future; and  
That at that time, the off-site servicing fee of \$2,500.00 would be applied to each titled unit created; and  
That the developer will be responsible for all costs associated with the mortgage interest agreement and the registrations of the interest; and  
That the outstanding servicing agreement fees accrue an interest rate of Prime plus 4% monthly with the interest rate be re-assessed on an annual basis.”

**CARRIED****Development Application 2009-034 – Needham – NW 35-20-22-W2:**

277-09 Farago: “That we agree to send the development application submitted by Denise Needham to change the building use from a hall to an independent living unit as part of their personal care home business located at the NW 35-20-22-W2, to our municipal planner for his comments; and  
That we inform the applicant that all costs associated with the application, including fees charged by the municipal planner, are at their expense.” **CARRIED**

**Development Application 2009-033 – Colhoun – SW 13-19-22-W2:**

278-09 Farago: “That we approve development application 2009-033 submitted by Norm Colhoun to construct an approach on land legally described as SW 13-19-22-W2 subject to the following:

- The installation of a 400mm culvert; and
- The dugout or borrow pit is subject to a setback of 150 feet from the center line of the municipal road and 50 feet from the side property line.”

**CARRIED****Development Application 2009-036 – Treble – SE 16-19-19-W2:**

279-09 Szeles: “That we approve development application 2009-036 submitted by Gina Treble to develop an Intensive Agricultural Operation to board and train up to 25 horses on 11 acres in existing buildings on land legally described as Ptn. SE 16-19-19-W2 subject to the following:

- The submission of a manure management plan.” **CARRIED**

**Development Application 2009-038 – Howell – SW 05-19-22-W2:**

280-09 Marquardt: “That we recommend approval to the Director of Community Planning Services of Municipal Affairs for the proposed Agricultural Subdivision Tie Code Removal on the land legally described as the SW 05-19-22-W2 submitted by Ray Howell subject to the following:

- The Tie Code for the proposed subdivision be added to the property owned by the purchaser, Ron and Marjorie Sebastien legally described as SE 06-19-22-W2, Title No.’s 111855922 and 111856002; and

That we are not aware of any land uses in the vicinity that would be incompatible with the intended use of the proposed site or any condition that would make the land unsuitable for the intended use; and  
That we are not aware of any facilities that could be affected by the proposed development.” **CARRIED**

✓  
JRH

**Development Application 2009-035 – Langmaier – NE 24-19-19-W2:**

281-09 Szeles: “That we approve development application #2009-035 submitted by Danny Langmaier to construct an approach and future residence on the land legally described as NE 24-19-19-W2 as indicated on the map submitted, subject to the following:

- All buildings and trees shall be setback 150 feet from the center line of the municipal road
- All buildings shall be setback 50 feet from the side property line; and
- Approach and culvert requirements to be determined by the Manager of Public Works.”

**CARRIED****Development Application 2009-037 – Doidge – NW 13-20-20-W2:**

282-09 Atcheson: “That we approve development application 2009-037 submitted by Conrad & Sherri Doidge, to construct an accessory building on the land legally described as the NW 13-20-20-W2 subject to the following:

- All buildings and trees shall be setback 150 feet from the center line of the municipal road
- All buildings shall be setback 50 feet from the side property line.”

**CARRIED****Tax Abatement –Mickleborough:**

283-09 Szeles: “That we agree to abate the taxes as detailed below on land legally described as SE 07-19-19-W2, to the owners Fern Mickleborough and Donald Mickleborough in consideration of an exemption under Clause 293(2)(e) of *The Municipalities Act* on land owned in an adjacent municipality:

Municipal	\$272.01	School \$250.24	Total \$522.25.”
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**CARRIED****Tax Abatement –Woelk/Nancekievill:**

284-09 Marquardt: “That we agree to abate the taxes as detailed below on land legally described as NW 31-19-22-W2, to the owners Rhonda & Robert Woelk and Gordon Nancekievill in consideration of an exemption under Clause 293(2)(e) of *The Municipalities Act* on land owned in an adjacent municipality:

Municipal	\$344.82	School \$317.22	Total \$662.04.”
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**CARRIED****Development Application Extension - 2007-013 – Farago:**

285-09 Marquardt: “That we agree to extend our approval of development application 2007-013 previously granted to Kent Farago to install a swimming pool on land legally described as Lot 23, Block 1, Plan 01RA14458, 86 Deer Foot Trail for an additional 1 year period; and

That we acknowledge receipt of the geotechnical recommendation from Ground Engineering Ltd. on the pool liner.”

**CARRIED****Development Application 2009-039 – Olasz – NW 20-20-21-W2:**

286-09 Atcheson: “That we approve development application 2009-039 submitted by Steven Olasz, to construct a pole building on the land legally described as the NW 20-20-21+W2 subject to the following:

- All buildings and trees shall be setback 150 feet from the center line of the municipal road
- All buildings shall be setback 50 feet from the side property line.”

**CARRIED****Municipal Planner - Retirement:**

287-09 Farago: “That, due to the impending retirement of the municipality’s contracted planner John Wolfenberg, we recommend the Joint Administration Committee discuss the possible advertise for a shared municipal planner to assist the RM and Town in planning reviews and development application decisions.”

**CARRIED****Dust Concerns South of the Town of Lumsden:**

288-09 Farago: “That we agree to forward the dust control concerns received from residents of Schandre Estates, pertaining to the dirt road south of Lumsden, to the Joint Administration Committee for their consideration.”

**CARRIED**

WZ  
JRH

**Dust Control - Committee:**

289-09 Harrison: "That we agree form a committee to review dust control options and establish a policy for the municipality and we appoint Councillors Jim Atcheson, Tom Harrison and Kent Farago to the committee."  
**CARRIED**

**Seven Bridges Road – SW 07-19-21-W2:**

290-09 Farago: "That we agree to offer landowner Rick McEwen 10 times the assessed value plus \$500.00, for an approximate total of \$635.00, for approximately ½ acre of land located in the SW 07-19-21-W2, required to relocate a portion of the Seven Bridges Road to correct an erosion problem at that location."  
**CARRIED**

**Colhoun – Patterson Road Allowance - NE 01-20-21-W2:**

291-09 Marquardt: "That, in council's final attempt to resolve a mutually agreeable road allowance abandonment for the ENE 01-20-21-W2, we provide the following offer to Norm & Laura Colhoun and Ron & Shelley Patterson:

- Council offers to close and transfer to Norm and Laura Colhoun the portion of the road allowance ENE 01-20-21-W2, that lie north of the bushes which are located just north of the garden area that is located on the road allowance; and
- Council offers to close and transfer the portion of the road allowance ENE 01-20-21-W2 that lie south of the road, subject to a turnaround location at the end of the road that is required by Community Planning Branch of Municipal Affairs. The road allowance will be utilized for this turnaround at the end of the road. All portions of road allowance ENE 01-20-21-W2 south of the road and turnaround would be closed and transferred to Norm & Laura Colhoun; and
- Council offers to close and transfer the remaining portions in between the above two bullets (South of the bushes that lie North of the Garden to the South edge of the road) on the road allowance to Ron & Shelley Patterson, less the turnaround area required by Community Planning; and
- Council, in principle, agrees to recommend approval to the Director of Municipal Affairs, Community Planning Branch for a second cut-off parcel, south of the road, in the NE 01-20-21-W2 subject to the review of an application to subdivide and the application is submitted along with a plan of proposed subdivision indicating a suitable building site that meets municipal setback requirements, them being 150' from the centre of the road and 50' from the side property lines

That we authorize the Administrator to send letters to both parties involved and to our Solicitor, Mike Morris indicating Council's offer  
**CARRIED**

**Bylaw 5-2009 – Bylaw to amend Swimming Pool Bylaw – Adoption:**

292-09 Atcheson: "That Bylaw 5-2009, being a bylaw to amend the Swimming Pool Bylaw 5-2007, be adopted, signed and sealed.  
**CARRIED**

**Bylaw 6-2009 – Bylaw to Regulate Speed on Old Hwy 54 – 1<sup>st</sup> reading:**

293-09 Harrison: "That Bylaw 6-2009, being a bylaw to regulate the speed of vehicles on the road commonly known as old Highway 54, be read a first time."  
**CARRIED**

**Adjournment:**

294-09 Farago: "That we adjourn this meeting at 6:30 p.m."  
**CARRIED**

  
Reeve

  
Administrator