

**R.M. OF LUMSDEN NO. 189
MINUTES OF THE REGULAR MEETING
HELD ON SEPTEMBER 15, 2011**

The Lumsden Rural Municipal Council convened their regular meeting in the Council Chambers of the R.M. Office, on Thursday, September 15, 2011 at 1:12 p.m. with Reeve Jim Hipkin residing.

Present: Reeve: Jim Hipkin
Councillors: Al Szeles, Jim Atcheson, Dale Srochenski,
Kent Farago (arrived at 1:54pm)

Administrator: Darcie Cooper
Assistant Administrator: Krystal Brewer
Mgr. of Public Works: Don Barnett (Left at 3:34pm)

Absent: Councillors: Tom Harrison, Bill Marquardt

Agenda Adjustment:

346-11 Szeles: "That we agree to adjust the order of the agenda of this meeting to deal with item "D" of New Business; being Development Application #2011-53; and That following the Development Application, we agree to accept the 2:00pm delegation, Paul Beaulieu with Western Municipal Tax Solutions early as the delegation arrived early to the meeting."
CARRIED

Delegations:

1:20pm Paul Beaulieu, Western Municipal Tax Solutions Inc, appeared before council to discuss the services his company provides regarding arrears tax collection for municipalities.

Minutes:

347-11 Atcheson: "That the minutes of the August 11, 2011 regular meeting be approved as circulated."
CARRIED

Correspondence:

348-11 Srochenski: "That the attached list of correspondence and reports have been reviewed and the Administrator is authorized to file the same accordingly.

- A. Lorrie Farago – Lt re: Resignation
 - B. J.D. Mollard & Associates – Phase 1 Gravel Mapping Study, price quote
 - C. Municipal Affairs – Ltr re: Cert. of Approval – Eberts – W1/2 36-20-22-W2
 - D. Municipal Affairs – Ltr re: Cert. of Approval – Zitta – SE 23-20-19-W2
 - E. Municipal Affairs – Ltr re: Cert. of Approval – Howell – NW 05-19-22-W2
 - F. Municipal Affairs – Ltr re: Zoning Bylaw #2-2000 recommendation
 - G. Can. Food Insp. Agency – Ltr re: Bat in RM of Lumsden tested Positive for Rabies
 - H. Min. of Corrections, Pub. Safety & Policing – PDAP Claim
 - I. Correctional Service Canada – Restorative Justice Week Proclamation 2011
 - J. Vandelay Homes – Invoice for re-routing water line –NE Ptn LSD 15 07-19-21-W2, Parcel H
 - K. Gov. Of Sask. – Ltr re: New Deal Payment of Federal Gas Tax Funds
 - L. Lumsden & District Heritage Home – Minutes of June 21, 2011 meeting
 - M. LGA Support Services Inc. – Notes of Aug.16 meeting re: Deer Valley HOA
 - N. Pasqua Paving – Royalty payment for hauling, June 2011
 - O. Min. of Energy & Resources – Well Bulletin
 - P. SaskEnergy – Ltr re: Geotechnical Assessment at Deer Valley
 - Q. Miscellaneous Publications."
- CARRIED**

Bank reconciliation:

349-11 Atcheson: "That the bank reconciliation for the months ending July 31, 2011 and August 31, 2011, be accepted as presented."
CARRIED

Accounts to be approved:

350-11 Szeles: "That the list of accounts attached hereto and forming a part of these minutes totalling \$485,040.48, plus a fuel payment to the Saskatchewan Association of Rural Municipalities in the amount of \$5,924.64 and two payments totalling \$418.15 to the Royal Bank Visa, is hereby approved for payment by the Reeve and Administrator."
CARRIED

Administrator's Report:

Administrator, Darcie Cooper provided a verbal report on various administrative issues.

351-11 Szeles "That the Administrator's report be accepted as presented."

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CARRIED**Manager of Public Works Report:**

Don Barnett, Manager of Public Works provided a written and verbal report on various public works issues.

352-11 Farago: "That the Manager of Public Works report be accepted as presented."

CARRIED**APPOINTMENTS:****District Board of Revision:**

353-11 Szeles: "That we appoint Albert Molnar as the municipality's representative on the District Board of Revision for the remainder of the 2011 year, to replace Cheryl Weber; and

That, if Albert Molnar declines the appointment, then we agree to ask Mark Ermel to be a representative on the board."

CARRIED**WUOWATR – Local Watershed Advisory Representative:**

354-11 Szeles: "That we appoint Reeve Jim Hipkin as the municipality's representative for the local Watershed Advisory Committee for the Wascana Upper Qu'Appelle Watersheds Taking Responsibility organization."

CARRIED**NEW BUSINESS:****Development Application #2011-053 – Bailey- SW 22-19-21-W2:**

355-11 Farago: "That we recommend approval to the Director of the Community Planning Branch of Municipal Affairs for the proposed first parcel out of a quarter section subdivision on the land legally described as the SW ¼ 22-19-21-W2 submitted by Byrdene Bailey subject to the following:

- As there are buildings currently located in the area to be subdivided, the boundary of the subdivision shall ensure that the buildings meet all set-backs in accordance with the Zoning Bylaw of the municipality
- A service agreement shall be signed with the municipality which includes a requirement to pay \$2,500.00 in off-site servicing fees to the municipality,
- The cash in lieu in the amount of \$500.00 for municipal reserve land dedication be accepted should it be deemed applicable by the Ministry of Municipal Affairs.

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**Recess Meeting:**

356-11 Atcheson: "That we recess the regular meeting at 3:00 p.m. for the purpose of the public hearing for the proposed zoning bylaw amendment to the zoning bylaw, being bylaw 2011-08."

CARRIED**Reconvene Meeting:**

357-11 Szeles: "That we reconvene the regular meeting at 3:05 p.m."

CARRIED**Western Municipal Tax Solutions Inc. – Tax Arrears Collection Service:**

358-11 Srochenski: "That we request Western Municipal Tax Solutions Inc. to forward a copy of the required bylaw and agreement to engage their services for the collection of Tax Arrears; and

That once the required documentation is in place, we authorize the Administrator to send letters to ratepayers with tax arrears indicating that Western Municipal Tax Solutions have been authorized by the municipality to collect tax arrears, inform them of the charges that they will incur and encourage them to pay off their tax arrears or make payment arrangements with the municipality to avoid additional tax collection charges."

CARRIED**Vandelay Homes Payment Request – Water line Re-routing:**

359-11 Farago: "That we agree to make payment to Vandelay Homes in the amount of \$1,267.87 for water line re-routing work performed by Valleyside Landscapes to service parcel H, located in the NE Ptn 07-19-21 W2; and

That it is understood that we are making the payment to Vandelay Homes as opposed to the outstanding invoice submitted to the municipality by Valleyside Landscapes for

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the same service that the contractor provided to Vandelay Homes.”

CARRIED

Lumsden Beach Road – Base and Clay Cap:

360-11 Atcheson: “That we approve the application of base and clay capping on the Lumsden Beach Road at a cost of \$4,000.00; and
That the costs be reimbursed by the Resort Village of Lumsden Beach.”

CARRIED

RM Winter Position – Scott Haynes:

361-11 Srochenski: “That we agree to hire Scott Haynes, being the senior qualified applicant, to assist the Public Works Manager with snow removal and other duties for the period of November 2011 to March 2012.”

CARRIED

Deer Valley Services – Contract Award:

362-11 Farago: “That we acknowledge receipt of the proposals submitted by SaskConstruction, W.I.T, Landscape and Supply Ltd. and Aspenwood Landscape Contractors Ltd. for the contract for Deer Valley services, and
That we agree with the recommendation of the Manager of Public Works, Don Barnett and award the one year term contract to W.I.T. Landscape and Supply Ltd, who scored the highest mark on the evaluation criteria; and
That the fixed cost of the contract is \$96,640.00, with variable costs estimated at \$22,760.00, for a total estimated cost of the contract of \$119,400.00.”

CARRIED

Resignation - Lorrie Farago:

363-11 Srochenski: “That we acknowledge the resignation of Office Services Clerk, Lorrie Farago.”

CARRIED

Recess Meeting:

364-11 Szeles: “That we recess the regular meeting at 4:00 p.m. for the purpose of the public hearing for the proposed zoning bylaw & text amendment to the zoning bylaw, being bylaw 2011-10.”

CARRIED

Reconvene Meeting:

365-11 Atcheson: “That we reconvene the regular meeting at 4:05 p.m.”

CARRIED

New Deal Grant Application - Infrastructure Investment Plan:

366-11 Farago: “That we authorize the Administrator to submit the Infrastructure Investment Plan for Hot Mix Structural Overlay of Grid 734, under the New Deal for Cities and Communities – Transfer of Federal Gas Tax Revenues.”

CARRIED

SUMA – TCA Management - Online Conference:

367-11 Atcheson: “That we agree to cost share with the Town of Lumsden in the purchase of one subscription to the on-line Tangible Capital Asset Management conference, presented by the Saskatchewan Association of Urban Municipalities on October 19th & 20th at a cost of \$250.00 plus GST; and
That we invite all managers to take part in the on-line conference.”

CARRIED

Tax Cancellation – Clayton Mund:

368-11 Farago: “That we agree to cancel a portion of the 2011 taxes for land legally described as SW Ptn 04-20-21-W2, Property No. 000704402-010, due to the fact that the property is being assessed for 4 acres, and the parcel is only 2.89 acres, as follows:

Municipal: \$40.47 School: \$26.62 Total: \$ 67.09”

CARRIED

Special Meeting:

369-11 Srochenski: “That we agree to hold a Special Meeting on September 22, 2011 at 6:00 pm to review the Draft Zoning Bylaw with Planner, Jim Walters, review the 2010 Financial Statement submitted by Dudley and Company and address the Joint Administration Committee recommendations.”

CARRIED

Deer Valley Litigation – Examination for Discovery:

370-11 Szeles: “That we instruct Mike Morris, Manager of Legal Services of Saskatchewan Association of Rural Municipalities to propose that Wayne Zerff and Norm Kindred be examined for discovery on behalf of the RM of Lumsden No. 189 regarding the Deer Valley Litigation, and

That Wayne Zerff’s examination be restricted to the following items:

- (1) The decision of the Council of the RM of Lumsden to support the proposed subdivision

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- (2) The negotiation of the Servicing Agreement with Deer Valley Developments
- (3) The rezoning of the subject land to permit the proposed subdivision
- (4) The issuance of the Development Permits for the properties and the enforcement of the Development Standards, and

That Norm Kindred's examination be restricted to the following item:

- (1) The issuance of the Building Permits for the properties and the enforcement of the same."

CARRIED

Rescind 1st Reading – Long Term Borrowing Bylaw # 09-2011:

371 -11 Farago: "That we rescind resolution #343-11 giving first reading to Bylaw #09-2011, being a bylaw to provide for long term borrowing, read on August 11, 2011."

CARRIED

Short Term Borrowing Bylaw – Hot Mix Financing:

372-11 Farago: "That we authorize the Administrator to prepare a Short Term Borrowing Bylaw in the amount of \$186,594.00 to finance the 2011 Hot Mix Overlay application, with payments of \$76,812.00 be made in 2012 and the balance of \$109,782.00 to be paid in 2013."

CARRIED

Nature Conservancy Canada – Fence Undeveloped Road Allowance:

373-11 Atcheson: "That we authorize the Nature Conservancy Canada to construct a twelve foot gate across the undeveloped road allowance between LSD 2-32-20-21-W2 Ext. 97 & 98 and LSD 1-32-20-21-W2 Ext. 87 & 88; and

That the gate be unlocked at all times to ensure access to adjacent land is not restricted."

CARRIED

Development Application #2011-051 – Fehr- SW Ptn.13-19-22-W2:

374-11Srochenski: "That we approve the development application submitted by Henry and Tammy Fehr to construct a new residence on land legally described as SW Ptn. 13-19-22-W2, subject to the following:

- All development, including trees shall be setback 150 feet from the center line of the municipal road and 50' from the side and rear property line. "

CARRIED

Development Application #2011-054 Hall – NW 06-20-22-W2:

375-11 Atcheson: "That we approve the development application submitted by Sydney Hall to move on a residence, add an addition to the house and construct a garage on land legally described as NW 06-20-22-W2, subject to the following:

- A favorable pre-move inspection report is received by Professional Building Inspectors
- All development, including trees shall be setback 150 feet from the center line of the municipal road and 50' from the side and rear property line, and
- That all improvements the applicant listed in their application are completed by September 15, 2012, including replacing the exterior metal siding with stucco and installing new doors and windows; and

That we recommend the applicant enter into an agreement with the adjacent landowner to obtain an easement for the apparent proposed shared approach and laneway, and that both the applicant and adjacent landowner register the easement on their respective titles."

CARRIED

Development Application # 2011 – 055 Rich – NW Ptn 06-20-22-W2:

376-11Atcheson: "That we approve the development application submitted by Gordon Rich to construct a new residence, garage and shop on land legally described as NW Ptn 06-20-22-W2, subject to the following:

- All development, including trees shall be setback 150 feet from the center line of the municipal road and 50' from the side and rear property line
- Approach and culvert specifications be at the discretion of the Manager of Public Works, Don Barnett."

CARRIED

Dudley & Company:

377-11 Szeles – "That we acknowledge the management letter received from Dudley and Company LLP, Chartered Accountants outlining the responsibilities of the auditors and the Council members with respect to the 2010 Audit."

CARRIED

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SARM Employee Benefits Plan Renewal:

378-11 Atcheson – “That we agree to renew the Saskatchewan Association of Rural Municipalities Benefits Plan for public works employees for the 2012 year, for the provision of Short Term Disability, Death, Vision Care, Maternity and Accidental Death and Dismemberment Benefits.”

CARRIED**Bob Poley – Purchase of Rocks from Leased Gravel Pit:**

379-11 Farago: "That we authorize the Administrator to respond to the letter received from Bob Poley requesting permission to purchase rocks from the gravel pit the municipality leases, informing him that the lease conditions are specifically for public use and does not allow for private usage."

CARRIED**Tax Abatement – Malowany:**

380-11 Atcheson: That we agree to abate the taxes as detailed below on land legally described as SW 09-20-22-W2, to the owner Ivan Malowany in consideration of an exemption under Clause 293(2)(e) of *The Municipalities Act* on land leased in this municipality:

Municipal: \$682.73 School: \$449.10 Total: \$ 1,131.83"

CARRIED**Public Hearing – Knoblauch Rezoning:**

381-11 Atcheson: "That we agree to set Thursday, October 27th at 8:00 p.m. in the Council Chambers located at 20 Third Avenue as the date, time and place for the rezoning public hearing to accommodate the proposed residential subdivision submitted by Kim & Beverly Knoblauch for land legally described as the NW ¼ 10-21-22-W2."

CARRIED**Bylaw #08-2011 – Bylaw to Amend Zoning Bylaw-Moltz – 2nd Reading:**

382-11 Atcheson: "That bylaw #08-2011, being a bylaw to amend the Zoning Bylaw #02-2000, be read a second time."

CARRIED**Bylaw #08-2011 – Bylaw to Amend Zoning Bylaw-Moltz – Adoption:**

383-11 Szeles: "That bylaw #08-2011, being a bylaw to amend the Zoning Bylaw #02-2000, be adopted, signed and sealed."

CARRIED**Bylaw #10-2011 – Bylaw to Amend Zoning Bylaw-Skaff & Text – 2nd Reading:**

384-11 Farago: "That bylaw #10-2011, being a bylaw to amend the Zoning Bylaw #02-2000, be read a second time."

CARRIED**Bylaw #10-2011 – Bylaw to Amend Zoning Bylaw-Skaff & Text – Adoption:**

385-11 Srochenski: "That bylaw #10-2011, being a bylaw to amend the Zoning Bylaw #02-2000, be adopted, signed and sealed."

CARRIED**Bylaw #11-2011 – Bylaw to Amend Zoning Bylaw-Knoblauch – 1st Reading:**

386-11 Szeles: "That bylaw #10-2011, being a bylaw to amend the Zoning Bylaw #02-2000, be read a first time."

CARRIED**Adjournment:**

387-11 Farago: "That we adjourn this meeting at 6:25 pm."

CARRIED


Reeve



Administrator