

MINUTES OF THE REGULAR COUNCIL MEETING OF
THE RURAL MUNICIPALITY OF SHERWOOD NO. 159 HELD IN COUNCIL CHAMBERS
AT 4400 CAMPBELL STREET, REGINA, SASKATCHEWAN
Wednesday, March 8, 2017

PRESENT: Jeffrey Poissant, Reeve
Brad Crassweller, Councillor Division 1
John Wilke, Councillor Division 3
Carl A. Husum, Councillor Division 4
Rod Culbert, Councillor Division 5 (*via telephone*)
Grant Paul, Councillor Division 6

ABSENT: Tim Probe, Councillor Division 2

STAFF: Michele Cruise-Pratchler, Interim Chief Administrative Officer
Rod Benroth, Director of Public Works & Infrastructure
Erin Halliday, Director of Finance & Administration
Pam Malach, Manager of Planning & Development
Susan Stevenson, Administrative Assistant
Christine Trithardt, Administrative Assistant

ORDER: Reeve Poissant called the meeting to order at 5:32 p.m.

115/17 **AGENDA**

COUNCILLOR WILKE: THAT the agenda be adopted as amended.

Add 12.2 in Closed Session Ombudsman Report

CARRIED UNANIMOUSLY

116/17 **PUBLIC HEARING**

Reeve Poissant declared the Public Hearing open for Bylaw No. 01/17 – A Bylaw to Amend the Bylaw No. 9/91, Bylaw No. 02/17 – A Bylaw to Amend the Sherwood-Regina Planning District Zoning Bylaw No. 10/91 and Bylaw No. 03/17 – A Bylaw to Amend the Rural Municipality of Sherwood No. 159 Zoning Bylaw, Bylaw No. 7/11 at 5:35 p.m.

Susan Stevenson provided an overview of Bylaw No. 01/17 – A Bylaw to Amend the Bylaw No. 9/91 and Bylaw No. 02/17 – A Bylaw to Amend the Sherwood-Regina Planning District Zoning Bylaw No. 10/91.

Reeve Poissant asked three times if anyone present would like to make a written or verbal submission for the Bylaws in question.

Doug Kelly made a presentation about the development and advised Council he was in favour of second and third readings of Bylaws No. 01/17 and Bylaw No. 02/17.

Six (6) written submissions were received from City of Regina, Ministry of Agriculture, Ministry of Environment, SaskEnergy/TransGas, SaskWater and Water Security Agency.

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Susan Stevenson provided an overview of Bylaw No. 03/17 – A Bylaw to Amend the Rural Municipality of Sherwood No. 159 Zoning Bylaw, Bylaw No. 7/11.

Reeve Poissant asked three times if anyone present would like to make a written or verbal submission for the Bylaw in question.

There were no written submissions received.

There were no verbal presentations made.

Reeve Poissant declared that the Public Hearing close for Bylaw No. 01/17 – A Bylaw to Amend the Bylaw No. 9/91, Bylaw No. 02/17 – A Bylaw to Amend the Sherwood-Regina Planning District Zoning Bylaw No. 10/91 and Bylaw No. 03/17 – A Bylaw to Amend the Rural Municipality of Sherwood No. 159 Zoning Bylaw, Bylaw No. 7/11 at 5:41 p.m.

Councillor Husum that this Public Hearing adjourn at 5:41 p.m.

CARRIED UNANIMOUSLY

117/17 BYLAW NO. 01/17 – A BYLAW TO AMEND BYLAW NO. 9/91

COUNCILLOR WILKE: THAT Bylaw No. 01/17 – A Bylaw to Amend Bylaw No. 9/91, be read a second time.

CARRIED UNANIMOUSLY

118/17 BYLAW NO. 01/17 – A BYLAW TO AMEND BYLAW NO. 9/91

COUNCILLOR CULBERT: THAT Bylaw No. 01/17 – A Bylaw to Amend Bylaw No. 9/91, be read a third time and hereby adopted.

CARRIED UNANIMOUSLY

119/17 BYLAW NO. 02/17 – A BYLAW TO AMEND THE SHERWOOD – REGINA PLANNING DISTRICT ZONING BYLAW NO. 10/91

COUNCILLOR HUSUM: THAT Bylaw No. 02/17 – A Bylaw to Amend the Sherwood – Regina Planning District Zoning Bylaw No. 10/91, be read a second time.

CARRIED UNANIMOUSLY

120/17 BYLAW NO. 02/17 – A BYLAW TO AMEND THE SHERWOOD – REGINA PLANNING DISTRICT ZONING BYLAW NO. 10/91

COUNCILLOR CULBERT: THAT Bylaw No. 02/17 – A Bylaw to Amend the Sherwood – Regina Planning District Zoning Bylaw No. 10/91, be read a third time and hereby adopted.

CARRIED UNANIMOUSLY

121/17 BYLAW NO. 03/17 – A BYLAW TO AMEND THE RURAL MUNICIPALITY OF SHERWOOD NO. 159 ZONING BYLAW, BYLAW NO. 7/11

COUNCILLOR WILKE: THAT Bylaw No. 03/17 – A Bylaw to Amend the Rural Municipality of Sherwood No. 159 Zoning Bylaw, Bylaw No. 7/11, be read a second time.

CARRIED UNANIMOUSLY

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122/17 BYLAW NO. 03/17 – A BYLAW TO AMEND THE RURAL MUNICIPALITY OF SHERWOOD NO. 159 ZONING BYLAW, BYLAW NO. 7/11

COUNCILLOR CULBERT: THAT Bylaw No. 03/17 – A Bylaw to Amend the Rural Municipality of Sherwood No. 159 Zoning Bylaw, Bylaw No. 7/11, be read a third time and hereby adopted.

CARRIED UNANIMOUSLY

DELEGATION

Myrna Broadfoot, Consultant with SaskPower made a presentation to Council on their corridor options for a proposed 230kV transmission line project which will originate at the Condie Switching Station northwest of Regina and proceed west to connect to an existing line northwest of Belle Plaine and the potential future natural gas generation project in the Regina/Moose Jaw area.

DELEGATION

Dianne Stann with Praxis Consulting made a presentation to Council regarding the White Butte Admin Committee Recommendation Report Summary about the TransCanada Trail.

123/17 DELEGATION EXTENSION

COUNCILLOR HUSUM: THAT Council extend the delegation presentation made by Dianne Stann until her presentation has been completed.

CARRIED UNANIMOUSLY

124/17 DELEGATION

COUNCILLOR HUSUM: THAT the presentations made by SaskPower and Praxis Consulting be received and filed.

CARRIED UNANIMOUSLY

125/17 TRANSCANADA TRAIL PROJECT

COUNCILLOR HUSUM: As a member of the White Butte Regional Planning Committee, the municipality of Sherwood No. 159 agrees to endorse, participate and support the White Butte Trans Canada Trail project as an official White Butte regional project as outlined in the White Butte Administrator Committee Trans Canada Trail Project Recommendation Report of Dec. 21, 2016 subject to confirmation of liability insurance costs and responsibilities.

CARRIED UNANIMOUSLY

126/17 FEBRUARY 8, 2017 REGULAR COUNCIL MEETING MINUTES

COUNCILLOR HUSUM: THAT the February 8, 2017 Regular Council Meeting minutes be adopted as presented.

CARRIED UNANIMOUSLY

127/17 AMENDMENT

COUNCILLOR WILKE: THAT the reason Reeve Poissant declared a conflict of interest be added after Resolution No. 109/17.

CARRIED UNANIMOUSLY

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128/17 FEBRUARY BANK RECONCILIATION

COUNCILLOR HUSUM: THAT the Bank Reconciliation for the month of February 2017, be accepted as presented.

CARRIED UNANIMOUSLY

129/17 MONTHLY STATEMENT OF FINANCIAL ACTIVITIES

COUNCILLOR CULBERT: THAT the Statement of Financial Activities for the period ending February 28, 2017, attached to and forming a part of these minutes, be accepted as presented.

CARRIED UNANIMOUSLY

130/17 LIST OF ACCOUNTS FOR REVIEW

COUNCILLOR CULBERT: THAT cheque numbers 14708 to 14796 totalling \$438,382.03, as outlined in the List of Accounts, attached to and forming part of these minutes be accepted as information and filed; and

THAT Payroll and Electronic Funds Transfers totaling \$71,835.62 be ratified.

CARRIED UNANIMOUSLY

131/17 PUBLIC WORKS MONTHLY REPORT

COUNCILLOR WILKE: THAT the Director of Public Works & Infrastructure monthly report be accepted as information and filed.

CARRIED UNANIMOUSLY

132/17 2017 SARM BEAVER CONTROL PROGRAM

COUNCILLOR CRASSWELLER: THAT the R.M. of Sherwood No. 159 participate in the SARM 2017-18 Beaver Control Program and hereby authorize Perry Reavley, Neil MacDonald, Anton Zimbelmann and Costa Yanniaofeaf for the removal of beaver problems within the R.M. of Sherwood No. 159.

CARRIED UNANIMOUSLY

133/17 PLANNING AND DEVELOPMENT DEPARTMENT UPDATE

COUNCILLOR PAUL: THAT the Planning and Development Department Update written report be accepted as information and filed.

CARRIED UNANIMOUSLY

134/17 SHERWOOD FOREST BRIDGE/ROAD DIVERSION SUBDIVISION APPLICATION

COUNCILLOR CULBERT: THAT Council support approval of Subdivision Application R1056-16 (our file SU 16-019); and,

THAT Council approves the road abandonment (Plan 60R07195, Surface Parcel 110627490). This proposed abandonment will not affect access of other property owners in the area, and no public utilities above or below the ground will be affected by transfer. The old road will be consolidated to Parcel C & D with the bridge being closed to vehicular traffic; and,

FURTHERMORE THAT the R.M. of Sherwood No. 159 install concrete steel ballards and inspect the rail for safety.

CARRIED UNANIMOUSLY

**135/17 DISCRETIONARY USE APPLICATION DPA 17-001: PROPOSED TRUCK
TERMINAL AT NE 7-18-19-W2**

COUNCILLOR CULBERT: THAT Council approves the development permit application DPA 17-001 and directs the Development Officer to issue a development permit with the following conditions:

1. The Truck Terminal is developed according to the attached site plan once grades are acceptable by R.M. Administration. Upon completion "As built" drawings must be provided to the R.M. of Sherwood to ensure conformity to the Site Levelling and Drainage Plan.
2. All utilities must be contacted to ensure that facilities are not affected prior to development and construction. Applicants are required to contact Sask 1st Call if they are planning to dig or excavate: 1-888-828-4888 or www.sask1stcall.com.
3. That a bank draft be submitted to the development officer to cover the cost and installation of the landscaping as shown on the site plan, and that the landscaping must be completed within two (2) years or the RM will use the bank draft security funds to have the landscaping developed on site.
4. Any further development will require a separate development permit.
5. Any structure, trailer or building required auxiliary to this development will require a separate development and building permit.
6. The applicant recognizes that Inland Drive is the designated truck route in the R.M. of Sherwood and that in the future

CARRIED UNANIMOUSLY

**136/17 DPA 17-002 DISCRETIONARY USE APPLICATION FOR A TEMPORARY
CONCRETE CRUSHING OPERATION**

COUNCILLOR CULBERT: THAT Council approves the development permit application DPA 17-002 and directs the Development Officer to issue a development permit with the following conditions:

1. That the site is developed in accordance with the attached site plan.
2. That all utilities are contacted to locate facilities and confirm with RM that facilities will not be affected.
3. That any proposed buildings including temporary structures onsite will require a building permit prior to construction.
4. Best practices measures should be taken to reduce dust and noise pollution.
5. That the Extra-Municipal Servicing Agreement from the City of Regina is approved prior to occupancy.
6. That the term of this permit shall be for twenty-four (24) months. At the end of this term the applicant must return the site to its pre-existing condition.
7. That the applicant assumes all risk in moving equipment as a result of any site grading required by the DBR subdivision.
8. That natural drainage is not affected and is maintained on site.

CARRIED UNANIMOUSLY

137/17 OCTASTAR DEVELOPMENT

COUNCILLOR WILKE: THAT Council accepts OctaStars request to amend the original concept plan to include an additional exploration option of connecting to the RM's Pinkie West Production Well subject to Administration and OctaStar agreeing on design/construction details to be included in the Concept Plan.

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138/17 **OFFICIAL COMMUNITY PLAN**

COUNCILLOR HUSUM: THAT Council rescind resolution numbers 301/13, 302/13, 380/13, 381/13, 382/13, 383/13, 381/16, 96/17.

CARRIED UNANIMOUSLY

139/17 **BYLAW NO. 16/16 – A BYLAW TO ADOPT A REVISED OFFICIAL COMMUNITY PLAN**

COUNCILLOR WILKE: THAT Bylaw No. 16/16 – A Bylaw to Adopt a Revised Official Community Plan be read a first time.

Councillor Husum departed Council Chambers at 7:20 p.m.

Councillor Husum entered Council Chambers at 7:21 p.m.

CARRIED UNANIMOUSLY

140/17 **RECESS**

COUNCILLOR HUSUM: THAT this meeting recess at 7:21 p.m.

CARRIED UNANIMOUSLY

141/17 **RECONVENE**

REEVE POISSANT: THAT this meeting reconvene into regular session at 7:37 p.m.

CARRIED UNANIMOUSLY

142/17 **SARM LIABILITY COVERAGE**

COUNCILLOR HUSUM: THAT the SARM Liability Coverage written report be accepted as information and filed.

CARRIED UNANIMOUSLY

143/17 **2016 UTILITY OPERATING RESULTS**

COUNCILLOR WILKE: THAT the 2016 Utility Operating Results written report be accepted as information and filed.

CARRIED UNANIMOUSLY

144/17 **FUNDS TRANSFER TO OFF-SITE SERVICING FEES**

COUNCILLOR HUSUM: THAT \$17,000.00 Cash in Lieu of Municipal Reserve be transferred from the R.M. of Sherwood No. 159 general chequing account to the R.M. of Sherwood No. 159 savings account no. 1.

CARRIED UNANIMOUSLY

145/17 **PROFESSIONAL BUILDING INSPECTIONS, INC, SERVICE AGREEMENT ADJUSTMENT**

COUNCILLOR HUSUM: THAT arrangements be made to adjust the Professional Building Inspections, Inc, service agreement to include fire code certifications and maximum occupancy load certifications.

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146/17 COMMUNICATIONS

COUNCILLOR HUSUM: THAT the following correspondence be accepted as information and filed:

1. Prairie Central District E-News Update – February 2017
2. Hospitality Suite Invitation – 2017 SARM Convention
3. RCMP Stats – February 2017
4. Prairie Central District E-News Update – March 2017
5. South Central Transportation Planning Committee 2017 Annual General Meeting

CARRIED UNANIMOUSLY

147/17 CLOSED SESSION

COUNCILLOR PAUL: THAT this meeting go into closed session at 8:07 p.m.

CARRIED UNANIMOUSLY

148/17 RECONVENE

COUNCILLOR HUSUM: THAT this meeting reconvene into regular session at 8:32 p.m.

CARRIED UNANIMOUSLY

Reeve Poissant declared a personal conflict of interest as he is potentially involved as a witness in criminal proceedings respecting a member of Council and departed Council Chambers at 8:33 p.m.

Reeve Poissant passed the Chair to Deputy Reeve Husum at 8:33 p.m.

Deputy Reeve Husum assumed the Chair at 8:34 p.m.

149/17 CLOSED SESSION

COUNCILLOR WILKE: THAT this meeting go into closed session at 8:35 p.m.

CARRIED UNANIMOUSLY

150/17 RECONVENE

COUNCILLOR HUSUM: THAT this meeting reconvene into regular session at 8:51 p.m.

CARRIED UNANIMOUSLY

151/17 RESOLUTION RE: COUNCILLOR PROBE

COUNCILLOR PAUL: Whereas Tim Probe, a member of the Council of the Rural Municipality of Sherwood No. 159 ("the RM"), did at a meeting of the council of the RM on January 13, 2016 fail to declare a conflict of interest in matters before Council, including the following:

- (a) a presentation by a delegation asking Council to examine all available procedures for securing reimbursement of the legal expenses paid to him and other councillors pursuant to the *Indemnity Bylaw* that was declared invalid by the Court of Queen's Bench on September 23, 2015;
- (b) a motion to instruct legal counsel to request reimbursement from him and other councillors of those legal expenses paid to him; and
- (c) a motion to table the reimbursement motion to seek legal advice on a procedural issue; and

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RESOLUTION NO. 151/17 CONT'D

Whereas the Saskatchewan Ombudsman has issued a report in which she determines that Councillor Probe contravened section 144 of *The Municipalities Act* by failing to declare the above conflicts of interest as required by that section; and

Whereas a person who contravenes section 144 of *The Municipalities Act* is thereupon disqualified from council and is required to resign immediately; and

Whereas Councillor Probe has failed to resign from Council; and

Whereas the Ombudsman has recommended that the Council of the RM vote on the whether to apply to the Court of Queen's Bench under section 148 of *The Municipalities Act* for an order declaring Tim Probe to be disqualified from Council;

NOW THEREFORE, BE IT RESOLVED THAT the Council of the Rural Municipality of Sherwood No. 159 apply to the Court of Queen's Bench pursuant to clause 148(2)(b) of *The Municipalities Act* for an order declaring Tim Probe to be disqualified from Council.

CARRIED UNANIMOUSLY

Councillor Culbert disconnected at 8:58 p.m.

Reeve Poissant entered Council Chambers at 8:59 p.m.

Deputy Reeve Husum passed the Chair to Reeve Poissant at 9:00 p.m.

Reeve Poissant assumed the Chair at 9:00 p.m.

152/17 ADJOURNMENT

COUNCILLOR HUSUM: THAT this meeting be adjourned at 9:00 p.m.

CARRIED UNANIMOUSLY

Reeve

Administrator