

Notice of Special Meeting of the Council of the RM of Sherwood No 159

Declaration of the RM of Sherwood Administrator

Pursuant to S. 123(1) of *The Municipalities Act*, I hereby give notice of a special meeting of the Council of the RM of Sherwood No. 159.

Purpose: Closed Session – S.120(2)(b) of *The Municipalities Act*

Meeting with Suncor
Review 2020 Budget Estimates

Public Meeting (7:15 p.m.)

Private properties requesting to apply their own Dust Control
Bylaw to Borrow through Debentures

Date: Tuesday, June 2nd, 2020

Time: 5:30PM

Location: Closed Session - Virtual only for Council

Public Meeting - Virtual only for Members of Public at 7:15 p.m.

Join Zoom Meeting <https://us02web.zoom.us/j/2897212860>

Meeting ID: 289 721 2860



Pam Malach

Chief Administrative Officer

RM of Sherwood No 159

Dated this 29th day of May, 2020

S. 123(4) of *The Municipalities Act* states as follows:

No business other than that stated in the notice is to be transacted at a special meeting of the council unless all members of council are present, in which case, by unanimous consent, any other business may be transacted.



SPECIAL COUNCIL MEETING AGENDA

Tuesday, June 2nd, 2020
at 5:30 PM
Municipal Office
4400 Campbell Street
Regina, SK

- A. Call to Order at 5:30 PM**
- B. Adoption of Agenda**
- C. Closed Session - S. 120(2)(b) of *The Municipalities Act***
 - 1. Meeting with Suncor**
 - 2. Review 2020 Budget Estimates**
- D. Public Meeting (7:15 p.m.)**
 - 1. Private properties requesting to apply their own dust control**
 - 2. Bylaw to borrow through Debentures**
- E. Adjournment**

** Order of Business as per R.M. of Sherwood No. 159 Bylaw No. 28/15*

Request for Decision



Report No.	PW20-021	Prepared by:	Mike Mamona
Presented to Council:	June 2, 2020		
Agenda Item:	Private dust control within the RM		

Attachments:

1. Dust Control Policy #2020-04

Recommendation:

Option 1

WHEREAS a rate payer has requested to apply their own product to the RM's municipal roadway for the purposes of dust control;

BE IT RESOLVED THAT rate payers are permitted at their own cost to apply private dust control products on municipal roadways for their own use.

Option 2

WHEREAS a rate payer has requested to apply their own product to the RM's municipal roadway for the purposes of dust control; and

WHEREAS unknown liabilities may arise with private application of dust control;

BE IT RESOLVED THAT rate payers are **NOT** permitted to apply private application of dust control on municipal roads with the exception that rate payers may use sprayed water only.

Summary:

Due to the dry spring and delayed dust control program RM Administration has received two requests from rate payers to apply their own dust control product in front of their property to control or reduce dust from vehicles using the RM gravel road in front of their property.

Both rate payers are on the list to have dust suppression applied at no cost to them as they meet the criteria for the RM dust control policy, however, the rate payer(s) feel they require dust control before the RM can provide the service.

Background:

RM Dust Control Policy 2020-04

The RM's Dust Control Policy is reviewed and updated yearly; and prioritizes within budget limitations the areas in which dust control suppressants may be applied on Municipal roads.

Dust control is applied to municipal roads that receive an average traffic count of 220+ vehicles per day, and along roads where the ratepayer's residence is within 150 meters from the roadway.

Ratepayers may request and pay for the cost of dust control along their residence if they do not meet the above noted criteria.

2020 Dust Control Program

Due to the current state of public emergency, many programs within the RM of Sherwood have been impacted or delayed until further notice.

The gravel spreading program began May 25th, 2020, and all major roads are planned to be completed by mid-June (weather permitted). Following the graveling program each eligible area for dust control must be prepped for the suppressant application (blading, shaping, and leveling).

The dust control application is now scheduled to begin on June 8th (weather permitted)

Ratepayer Requests:

Due to the delay in timing of the 2020 Dust Control; some ratepayers have requested to apply their own dust suppressant product on municipal roads. The requests are both from ratepayers that meet the eligibility of municipal dust control program, and those that do not.

In the policy, those ratepayers that do not meet the criteria for dust control may apply to have dust control applied at their own cost (\$750 for 150 meters); utilizing the RM's program.

Should the RM permit private application

Inadvertently, roadways that receive private application of dust suppressant are subject to loss of suppression during regular blading and maintenance, this poses a risk that those might seek compensation for their application.

Council should consider the liability of allowing for private application of dust suppressant on a municipal roadway.

Under *The Municipalities Act*; a municipality has the direction, control and management of all streets and roads within the Municipality.

Subject to the Municipalities Act and any other Act, a municipality is not liable for damages caused by anything done or not done by the municipality in accordance with the authority of this or any other Act unless the cause of action is negligence or any other tort.

Under the Act the Municipality **shall** keep every street, road, or other public place that is subject to direction, control and management of the municipality, including all public works in, on or above the street, road or public place in a reasonable state of repair, having regard to:

- a) The character of the street, road, public place or public work; and

- b) The area of the municipality in which it is located

Council should also consider the unknown circumstances deemed responsible of an unknown attribute on the roadway.

Reference to Legislation, Policies or Bylaws:

The Highways and Transportation Act, 1997 – Part IV, Safety, Regulation and Protection of Public Improvements - Section 22 Obstructions, (2) No person shall unlawfully; (a) place any object on a public highway that is likely to interfere with traffic on the highway; and in Section 34 Protection of public improvement (1) no person shall break, cut, fill or otherwise alter or damage a public improvement.

RM of Sherwood Bylaw 10-15, A bylaw to regulate the use of streets and roads (Traffic Bylaw) – Section 7, Encumbrances on highways and public places, section (3) “no person shall place or deposit any earth, snow or ice, stones, rubbish, sewage, dead animals, junked or abandoned vehicles or any other object or substance that may in any way hinder either the maintenance of or the public’s right of passage over a highway or other public place in the municipality.”

Implications:

a) Governance

Council may approve the requests with conditions of a road maintenance agreement (in order to impose conditions and transfer of liability) or Council may deny the request.

b) Budget/Financial

The product private owners may use is unknown, therefor additional costs associated to cleanup or maintenance following application may be required.

c) Staff Resources

If approved, additional resources may be required to monitor the impacts of the product on the roadway.

d) Business/Strategic Plan

Vision: Viable and Complete Community for our People

Mission: Excellence in service delivery providing a good quality of life for our people

Values: excellence in leadership, The People of our Community, Accountable and Ethical Decision Making, Effective Programs, Efficient Service Delivery and the Prudent use of resources.



e) Ratepayers (Citizens/Local Businesses)

Other Discussion (Options, Benefits or Disadvantages)

Administration is recommending not to allow rate payers to apply their own dust control products to RM roads.

Alternatively the rate payer may water the road at regular intervals to help control dust before the RM provides dust control.

Chief Administrative Officer Comments

Recommended By:	Mike Mamona, Director Operations	
Approved By:	Pam Malach, CAO	
Date:	May 28, 2020	



<i>Reference</i>		Public Works	<i>Classification</i>	Policy
<i>Subject</i>		Dust Control Policy	<i>Pages</i>	2
<i>Authority</i>		Council	<i>Resolution No.</i>	
<i>Approved & Effective</i>		March 11, 2020	<i>Policy No.</i>	
<i>Review</i>	<i>Last Review Date</i>	2018-04	<i>Related Attachments, Procedures, or Forms</i>	
			Application for Dust Control Dust Control Program Map	

1. PURPOSE

To clarify and prioritize within budget limitations the areas in which dust control suppressants may be applied on Municipal controlled roadways in ongoing efforts to ensure public safety, quality of life, and to realize road maintenance cost reductions as well as to establish user fees for residents applying for dust suppressant application.

2. SCOPE

The R. M. of Sherwood Dust Control program is regulated by the Dust Control Policy. Additional application of dust control products is available to residents on a user pay basis.

Dust control is meant to control dust on the roadways, not to eliminate it completely. When dust control products are applied, the substance will adhere to the gravel surface. These products retain moisture (from rain, humidity), which weighs down the dust particles, making them less likely to become airborne after a vehicle has passed over the area.

Residents may apply for additional dust control. The cost of the dust control to residents varies slightly from year to year depending on the cost of the product from the distributor and the cost of application.

3. POLICY

- 3.1 In efforts to ensure public safety, quality of life and reduce road maintenance costs the municipal roads that are dedicated for over dimension loads and/or receive an average traffic count of 220+ vehicles per day.
- 3.2 Average daily traffic counts are based on the official counts conducted by the RM.
- 3.3 The type of dust control suppressant utilized will be determined by the RM in its sole discretion; however, consideration will be given to cost of application, durability/effectiveness, and environmental safety issues.


- 3.4 All requests for Dust Control suppressants that do not meet the principals of this policy will be subject to a fee determined on an annual basis and subject to a deposit of \$500.00.
- 3.5 The RM will not guarantee the effectiveness of the dust control suppressant. Once a dust control suppressant has been applied no refunds will be made.
- 3.6 The RM will determine the appropriate timing to apply the dust control suppressants.

The Rural Municipality of Sherwood No. 159 will provide dust control at no charge along these certain gravel roads for rate-payers whose residence is within 150 meters (500') from the roadway.

Dust Control suppressant will be applied to the following locations based on the criterial above and shown in the attached map:

	ROAD	FROM	TO	STREET NAME	# OF SITES	LENGTH (metres)	
1	Gottselig Rd	Industrial Dr	Inland Dr			700	
2	Rge Rd 2195	City Limit	Inland Dr	Winnipeg St		800	
3	Rge Rd 2191	Hwy # 1	Twp Rd. 182	Tower Rd	3	150 (ea.) = 450	
4	Twp Rd 170	Rge Rd 2190	Rge Rd 2192	Old 16	1	150 (ea.) = 150	
5	Twp Rd 162	Rge Rd 2190	Rge Rd 2203	Rowatt Rd	7	150 (ea.) = 1,050	
6	Rge Rd 2202	Hwy # 1	Twp Rd 164		2	150 (ea.) = 300	
7	Rge Rd 2203	Twp Rd 164	Hwy # 1	Courtney	2	150 (ea.) = 300	
8	Rge Rd 2204	Twp Rd 164	Hwy # 1	Pinkie	1	150 (ea.) = 150	
9	Rge Rd 2211	Twp Rd 162	Twp Rd 164	OD South Route	2	150 (ea.) = 300	
10	Rge Rd 2212	Twp Rd 174	Twp Rd 182	Sherwood Forest Rd	2	150 (ea.) = 300	
11	Grid 730	Rge Rd 2213	Rge Rd 2214	Dewdney Ave	1	213	
12	Rge Rd 2205	9 th Ave N	Twp Rd 184	Condie Rd	6	150 (ea.) = 900	
13	Twp Rd 172	Pinkie Rd	Courtney Ave	Hill Ave	1	150	
14	13th Ave	Shop			1	150	
15	Rge Rd 2193	Twp Rd 184	Inland Dr	Fleet St	6	213 (ea.) = 1,278	
16	Twp Rd 184	Rge Rd 2193	Twp Rd 184	Twp Rd 184	1	213	
17	Rge Rd 2213	Twp Rd 182	Twp Rd 184		1	213	
18	Rge Rd 2213	Twp Rd 172	Twp Rd 174		2	150 (ea.) = 300	
19	Rge Rd 2192	Twp Rd 164	Twp Rd 170		1	213	
	<i>Road Haul Agreements</i>						8,630 metres


 Chief Administrative Officer


 Reeve

Resolution No.	Details	Date
	New policy	



4400 Campbell Street
 P.O. Box 40029 Grasslands PO
 Regina, SK, S4W 0L3
 Phone: (306) 525-5237
 Fax: (306) 352-1760
 www.rmofsherwood.ca

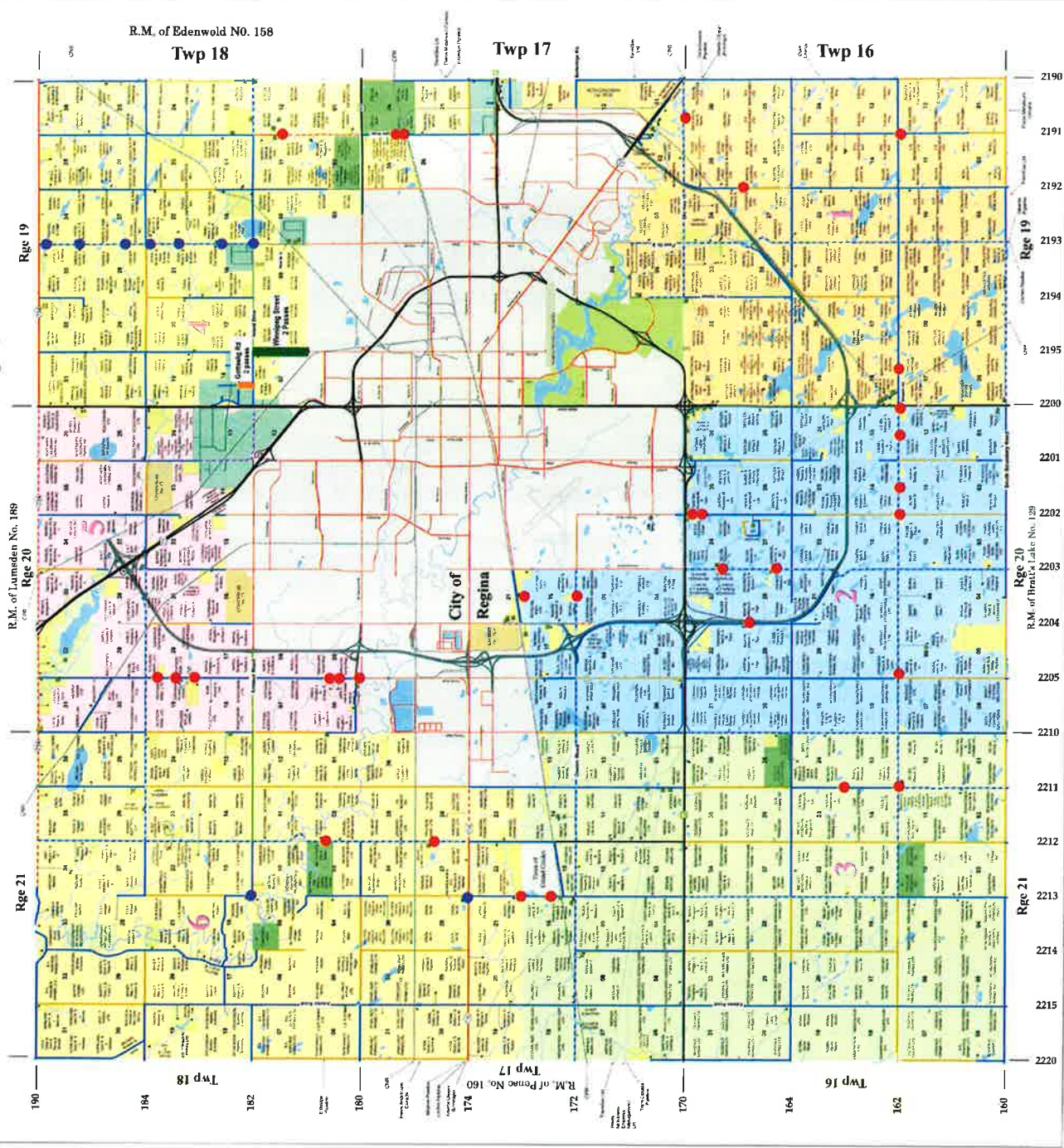
2020 Dust Control Program

● 150 metres

● 213 metres

■ 700 metres (Gottselig Road)

■ 800 metres (Winnipeg Street)



Map Revised as of December, 2018

Request for Decision



Report No.	2020-08	Prepared by:	Erin Halliday
Presented to Council:	Jun.2.2020		
Agenda Item:	Permission to Borrow by Way of Debentures		

Attachments:

1. MFC Approval Letter – May 20, 2020

Recommendation:

THAT application be made to the Local Government Committee for permission to borrow by way of debentures, the sum of \$18,100,000 in 2020 repayable over a period of 25 years, for the purpose of financing the Water Treatment Plant and Water Main Expansion in the Sherwood Industrial Park.

DEBENTURES to be repayable so that the principal and interest are combined and made payable in equal annual installments during the term of the securities interest at the rate of 0.25% above the Province of Saskatchewan's cost to borrow for the debenture term, per annum, payable at least annually.

Summary:

The most competitive rate offered for a 25-year fixed rate loan for the Water Treatment Plant and Distribution System is through the Municipal Financing Corporation of Saskatchewan (MFC). MFC has agreed to lend the RM of Sherwood \$18.1M through a 25-year annuity debenture subject to approval of the Saskatchewan Municipal Board (SMB).

To obtain SMB approval, the above recommendation is required from Council. Once approval is received and the rate is finalized, a bylaw will be presented to Council to formalize the borrowing.

Background:

The results of the competitive process for Long-Term Debt Financing of the Water Treatment Plant and Distribution System were reviewed with Council May 7th, 2020 where the direction provided to Administration was to negotiate the most favorable terms for a 25-year fixed rate loan.

A second request was sent to the financial institutions offering 25-year terms and, again, the best interest rate provided was by MFC.

MFC assists in making capital funds available for local governments with extremely competitive interest rates, very flexible borrowing terms and the ability to repay debt prior to maturity.

MFC offers borrowing by way of debentures.

- ✓ Debentures are long-term debt instruments that are unsecured without liens or claims on specific assets.
- ✓ An annuity debenture is a method of repayment where there is only one purchaser (the RM of Sherwood) and it includes annual payments of principal and interest until the debt is retired.

Reference to Legislation, Policies or Bylaws:

The Municipalities Act - Limitations on borrowings and loan guarantees

Section 162(1) – Unless the borrowing is approved by the Saskatchewan Municipal Board, no municipality shall borrow money if the borrowing:

(c) is to be secured by the issue of debentures of the municipality

Implications:

a) Governance

b) Budget/Financial

MFC has offered the most competitive and flexible borrowing terms for a 25-year fixed rate loan.

Based on the indicative rate provided (2.70%), annual payments will be about \$1,005,007.

Total interest cost over the 25-year term will be \$7.025M; this is about \$572,000 less than the second-best offer (approximate savings of \$22,900 per year).

c) Staff Resources

d) Business/Strategic Plan

Economic Development and Growth

Develop a sustainable economic footprint to capitalize on opportunities and support the business and industries in the RM.

Responsible and Accountable Government

To be responsive to the needs of our landowners, businesses and residents and to lead with transparency and fairness.

Regional Leadership & Cooperation

To lead collaborative and cooperative relationships with our neighbors. Partner with other municipalities and orders of government to encourage and support common infrastructure, service delivery and economic opportunities.

Enhanced Transportation Systems

Provide quality roads and transportation networks that support our residents, agricultural producers, businesses and industry.


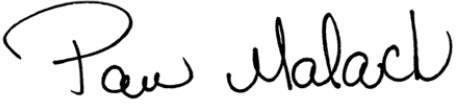
Enriched Quality of Life

Enhances the quality of life for residents by preserving country living and increasing the capacity and accessibility of recreation and cultural attractions.

e) Ratepayers (Citizens/Local Businesses)

Other Discussion (Options, Benefits or Disadvantages)

Chief Administrative Officer Comments

Submitted By:	Erin Halliday, Director of Finance & Administration	
Approved By:	Pam Malach, CAO	
Date:	June 1, 2020	



THE MUNICIPAL FINANCING CORPORATION OF SASKATCHEWAN

619-2350 Albert Street, Regina, Saskatchewan S4P 4A6
Telephone: 787- 8150
Fax: 787- 8493

June 1, 2020

RM of Sherwood No. 159
PO Box 40029 Grasslands PO
REGINA, SK S4W 0L3

Attention: Erin Halliday

Dear Ms. Halliday:

We are pleased to advise that your offer to sell a 25 year annuity debenture in the amount of \$18,100,000.00 has been accepted by the Management Committee of the Municipal Financing Corporation of Saskatchewan (MFC), pending approval of the transaction by the Saskatchewan Municipal Board (SMB).

MFC sets its required interest rate at 0.25% above the Province of Saskatchewan's cost to borrow for the debenture term. As of today, that would be 2.70%, however this rate is being provided solely for indicative purposes. MFC will provide a formal quote on the debenture on a mutually agreed upon date following approval by the SMB.

MFC's rate will be fixed for the full 25 year term of the debenture. In addition, the Rural Municipality of Sherwood No. 159 will have the option to prepay the debenture prior to maturity, in accordance with MFC's prepayment policy (see attached).

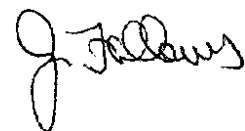
After the RM of Sherwood No. 159 has received approval from the SMB, please provide MFC with a copy of this document. In addition, please advise MFC of the date on which you wish to receive your formal interest rate quote.

Yours truly,



Jim Fallows

Attachment



**Policies Applicable to
Debentures Held by the Municipal Financing Corporation of Saskatchewan**

Prepayment Policy

1. The Municipal Financing Corporation of Saskatchewan (MFC) requires formal written notice of a borrower's intention to prepay a debenture. The notice should be directed to the General Manager of the Municipal Financing Corporation of Saskatchewan. A minimum of 30 days notice is required, and MFC reserves the right to determine the prepayment date. Payment in full is due on the prepayment date.
2. The price at which a debenture may be prepaid is calculated as the sum of:
 - (a) all amounts of principal and interest due on or before the redemption date that have not yet been paid; plus
 - (b) the fair market value of the remaining principal amount of the debenture as determined by MFC.

After receiving notification of the purchase price, the borrower will have a two week period in which to withdraw from the prepayment transaction.

3. Barring extraordinary circumstances, MFC will not provide new financing to a borrower during the 12 month period following a prepayment of debentures.

Late Payment Policy

1. Failure to make a payment on the scheduled day will result in interest being charged at a rate of 3% + Royal Bank prime.

Note: this policy applies only to debentures held by MFC. Debentures held by other entities are not affected.