

RURAL MUNICIPALITY OF McKILLOP No. 220
Regular meeting of Council held in the R. M. Council Chambers
Bulyea, Saskatchewan
March 19, 2018

Present: Reeve: Howard Arndt
Council Members: Division 1 – Murray Wild
Division 2 – Norman Smith
Division 3 – Bob Wilson
Division 4 – Andrew Kuderewko
Division 5 – Linda Helgeson
Division 6 – Marilyn LaBatte

Recording Official/Legal Counsel: Jaime Carlson

A quorum being present, Reeve Arndt called the meeting to order at 9:04am.
Councillor Kuderewko was not present at the beginning of the meeting.

The Reeve advised that the RM had requested the presence of a Commissionaire in the building today because of the altercation that occurred at the last meeting of Council.

*Closed
Session*

93/2018 Helgeson
"That this meeting move to a closed session for purposes of long-term planning, strategic planning, and/or personnel discussions."

CARRIED.

Harvey Linnen, Communications contractor of the RM, remained in the room for the closed session.

Councillor Helgeson requested that Council invite the Administrator to the meeting. Councillor Wild agreed that it would be beneficial as it seems that the Administrator is in the dark too much about Council decisions.

Reeve Arndt clarified that most of the closed session would involve a discussion from the RM's Development Officer regarding his review of bylaws of the RM.

The Administrator joined the meeting at 9:07am.

Closed session recessed for 10 minutes at 10:05am.

Meeting called back to order in closed session at 10:20am.
Daniel Grey and Chad Watson joined the meeting at 10:20 am.

Closed session recessed for 20 minutes at 12:22pm.

Meeting called back to order in closed session at 12:42pm.

The Administrator for the RM raised with Council in closed session that a complaint under the Conflict of Interest bylaw had been received.



Reeve

Reeve Arndt left the closed session after declaring a conflict of interest related to the complaint at 1:45pm.

The Administrator, Daniel Grey and Chad Watson left the meeting at 1:45pm.

Council determined it could not fully review and make decisions on the complaint and would adjourn the closed session to reconvene on April 4, 2018 at 9:00am.

Reeve Arndt returned to the meeting at 2:06pm and then called the meeting to order at 2:06pm.

Councillor Kuderewko joined the meeting at 2:06pm.

Travis Herman joined the meeting at 2:06pm.

Declarations

Reeve Arndt stated that he may have a conflict related to an account for D&C Consulting. Councillor Helgeson said she would also have a conflict related to that account.

*Council
Committee
Reports*

A written report by Councillor Helgeson of the Saskatchewan Municipal Hail Insurance Annual General Meeting that occurred at the SARM Conference was provided by Councillor Helgeson.

Reeve Arndt provided a verbal report regarding the last meeting of the Last Mountain Regional Landfill Authority.

Councillor Kuderewko asked for copies of the information Reeve Arndt described the Landfill Authority Board receiving (the lease to purchase agreement for the compactor when completed and the operating manual for the landfill). Reeve Arndt agreed to provide copies once those documents are public.

94/2018 Smith

"That all Committee Reports be accepted as presented."

CARRIED.

*Maintenance
Report*

Manager of Public Works Travis Herman provided his report.

Councillor Kuderewko asked Travis Herman if he had looked into signage for speed limits as discussed previously. Reeve Arndt agreed that would be good information to have at the Council table.

95/2018 LaBatte

"That the report presented by the Manager of Public Works report be accepted."

CARRIED.

Travis Herman left the meeting at 2:39pm.

Michele Cruise-Pratchler and Daniel Grey joined the meeting at 2:39pm.

Resolution 96/2018 was skipped.

*Administration
Reports*

Michele Cruise-Pratchler provided her report regarding a petition to change the division boundaries in the RM. She found that the petition was sufficient.



Reeve

Daniel Grey and Michele Cruise-Pratchler left the meeting at 2:40pm.

97/2018 Helgeson

"That the administration reports be accepted as presented."

CARRIED.

*Legal Counsel
Report*

An opinion letter of legal counsel regarding the petition to change the division boundaries, an opinion of legal counsel regarding the division boundaries, and a report from legal counsel that a letter was sent regarding a situation with a dog as Council had instructed were reviewed by Jaime Carlson.

98/2018 Wild

"That the reports submitted by the R.M.'s Legal Counsel be accepted as presented."

CARRIED.

*Financial Activities
Report*

99/2018 Wilson

"That the Statement of Financial Activities for the month of February, 2018 be accepted as presented."

CARRIED.

*Account Payment
Report*

100/2018 Wilson

"That the "List of Accounts for Approval", as attached hereto and forming a part of these minutes, except Invoice 7901, be approved for payment as recommended by the Finance Committee."

Councillor Wild asked about Invoice 7916 relating to gravel in the Resort Village of Pelican.

Councillor Helgeson left the meeting at 2:52pm to ask the Administrator about that Invoice. Councillor Helgeson returned to the meeting at 2:57pm. She advised that the Resort Village just provided the invoice. Councillor Wild stated that they are supposed to notify the RM when work occurs, not just do the work and bill the RM. Councillor Smith suggested that there is a significant variation on that and perhaps when the RM sends the Resort Village its cheque, the RM should remind the Resort Village of their responsibilities.

Councillor Kuderewko advised that he has asked for copies of invoices and he does not get them. Reeve Arndt stated that there is a process to get documents and the process is not simply asking for them in Council meetings. Councillor Kuderewko advised he did not get proper notice of the Finance Committee meeting and the Committee are not responding to his questions and requests about finance information. Councillor Kuderewko stated that now he is being denied the responses and information and he can not vote on these until he has the information he requires. Councillor Kuderewko asked to have several invoices that he raised concerns about excluded from the vote today. Reeve Arndt denied his request.

Councillor Kuderewko raised a point of order, stating that Council members have a right to ask these questions and that Council has to provide answers. Reeve Arndt ruled that is not a point of order.



Vote on 100/2018.

CARRIED.

Reeve Arndt, Councillor Helgeson, and Councillor Smith declared a conflict of interest with respect to Invoice 7901 and left the meeting at 3:06pm.

Deputy Reeve Wild assumed the Chair.

100A/2018

"That Invoice 7901 on the List of Accounts for Approval" be approved for payment."

DEFEATED.
(at 3:10pm)

Reeve Arndt, Councillor Helgeson and Councillor Smith returned to the meeting at 3:11pm.
Deputy Reeve Wild vacated the Chair.
Reeve Arndt resumed the Chair.

Minutes

102/2018 Helgeson

"That the minutes from the February 26, 2018, regular meeting of Council be approved as presented."

Councillor Kuderewko requested changes to the minutes. On page 1 of the minutes where it states "Councillor Kuderewko left the meeting at 10:05am advising that he was upset by the situation. He requested that Council adjourn the meeting to a later date. He left some paperwork on matters he was intending to raise during the meeting", Councillor Kuderewko asked that the minutes be amended to reflect that the Reeve dismissed Councillor Kuderewko's request that Council adjourn the meeting to a later date. Councillor Kuderewko also asked that the minutes be amended to state that the situation included Council physically ejecting two ratepayers from the meeting and allowing another ratepayer to stay who was ejected two days earlier. Reeve Arndt ruled that those amendments are not relevant.

Vote on 102/2018

CARRIED.

Councillor Kuderewko raised business arising from the minutes. He stated that regarding the motion made by Councillor Wild that appears on page 1 of the minutes from February 26, 2018 meeting of Council to allow a delegation:

- Councillor Kuderewko objected to this motion as he was not notified that there would be a delegation allowed at the meeting;
- Councillor Kuderewko stated the motion does not comply with the Procedures Bylaw;
- Councillor Kuderewko objected that equal time was not provided to the ratepayers who disagreed with the information provided by this delegation;
- Councillor Kuderewko advised that the comments Mr. Duthie made at the February 24 public meeting did not answer the ratepayer's question that the comments were purporting to answer;
- Councillor Kuderewko stated that he hopes that Council will continue to take baby steps in allowing ratepayers to present to Council when ratepayers make such requests.


Reeve

In addition, on the matter of a Communications Plan, Councillor Kuderewko advised he had not received that report and wanted to both receive it and have the timeframe to provide feedback on the report extended so he could do so. The Reeve agreed to provide the report and stated that Councillors could still provide feedback on it. The Reeve stated it was distributed at that meeting, but Councillor Kuderewko did not stay for the meeting so hadn't received it yet.

Councillor Kuderewko raised a point of procedure that Council is required to distribute material to all Council members. Reeve Arndt stated that Councillor Kuderewko would receive a copy of the Communications Plan.

Councillor Kuderewko commented on Resolution 78/2018 stating that the first part of the resolution was already rejected by SARM and the second part is already in SARM's materials, so Council should do its research before making these resolutions.

Councillor Kuderewko commented regarding Resolution 79/2018 that he has received complaints from Organized Hamlets because they do not have the information they need to do their budgets. Reeve Arndt advised that a letter on how to do the budgets has already gone out to the Organized Hamlets. Councillor Kuderewko asked for a copy of that letter.

Councillor Kuderewko stated regarding Resolution 83/2018 that he was requesting both a copy of the appraisal report and a copy of the report of the working group, particularly when and where the working group decided not to follow Council's resolutions regarding selling the property.

Councillor Kuderewko asked that Council void the Bylaw to Repeal a Bylaw in Resolutions 84/2018 to 87/2018 because the Procedures Bylaw especially given the legal advice we have received does not allow for Council to Repeal the Procedures Bylaw in this way. Legal Counsel clarified that the Bylaw to Repeal a Bylaw in Resolutions 84/2018-87/2018 was not the Procedures Bylaw but repealed a number of bylaws or parts of bylaws that were already effectively past their time, but which were still on the books formally. Councillor Kuderewko then stated that the Minutes for February 26/2018 would have to be amended because the side note states "Council Procedures Bylaw" and that is why Councillor Kuderewko believed it must apply to the Procedures Bylaw. Reeve Arndt agreed to have that reviewed.

Reeve Arndt agreed again to provide the Communications Plan and the appraisal information to Councillor Kuderewko. Councillor Kuderewko advised that if Council will provide him with the appraisal and the working groups report, then he is prepared to withdraw that resolution. Councillor Kuderewko also advised he is prepared to table the last motion related to the Bylaw to Repeal a Bylaw.

103/2018 Smith

"That the minutes from the March 5, 2018, special meeting of Council be approved as presented."

CARRIED.

Councillor Kuderewko advised he had business arising from those minutes as well. He asked "That Council void Resolutions 92/2018 and 93/2018 because, as a point of procedure, they were made at a special meeting of Council, but were not distributed to Council members or the public as required by legislation and the bylaws and policies of the R.M. of McKillop No. 220."



Reeve Arndt advised that the resolutions were provided to council members prior to the meeting by email and they were not required to be provided to the public.

Councillor Kuderewko stated "In regard to the sale of property, the appraisal report of the property has not been included in any report by the working group for Council to consider. By resolution the working group is to provide a report to Council in regard to this recommendation that provides the reason to dispose of the property. The report should indicate the value to the ratepayers, including a business plan with financial accountability, reasons not to advertise this to the public, and the reason not to abide by Council resolutions to aid in the decision making capacity. I make a resolution to that effect."

Reeve Arndt advised that he will provide the appraisal report and information from the working group as he had also promised to provide for the other property.

Councillor Kuderewko also stated regarding the membership policy #COU-001 "As this policy was recently reviewed and Council agreed that Council's attendance to such events is beneficial to its ratepayers of the R.M. and there was no reason provided to benefit some councillors and not all equally. That no conflict of interest was declared by Council members at the beginning of the meeting. I make a resolution that Council apply to the Court of Queen's Bench to have Councillor Wild, Councillor Helgeson, and Reeve Arndt disqualified from Council or accept their resignations, as they each knew or ought reasonably to know that they alone could benefit from this amendment."

Reeve Arndt ruled that Councillor Kuderewko was out of order on this resolution. Councillor Kuderewko stated that the Reeve is in a conflict in deciding that. Reeve Arndt asked for legal advice on whether he was in a conflict and legal counsel stated that a decision on moving the question was the Chair's decision. Reeve Arndt stated to Councillor Kuderewko that he has every ability to file that claim in the Court himself.

Correspondence 104/2018 Helgeson

"That the following correspondence, as reviewed, be accepted and filed:

Dave's Excavating Ltd. – Zoning Bylaw amendments
Last Mountain Rodeo – 2018 rodeo support
Cogent Chartered Professional Accountants – 2017 audit plan
RCMP – regarding public meetings

CARRIED.

Organization 105/2018 Helgeson

Structure "That the Council of the R.M. of McKillop No. 220 approve the organization structure chart as presented."

Councillor Kuderewko commented that the chart is different than the last version that was distributed to Council. Reeve Arndt stated the boxes now include job titles instead of job functions. Councillor Kuderewko asked if there will be twelve staff of the R.M.? Councillor Kuderewko advised that he could not support this as putting these pigeon hole jobs without names will make it look like there is a job that has to be filled.



Reeve

Vote on 105/2018

CARRIED.

Bylaw
Enforcement

106/2018 Smith
"That the Council of the R.M. of McKillop No. 220 authorize the increase for annual visits for bylaw enforcement purposes by the Commissionaires South Saskatchewan from 512 hours per year to 616 hours per year."

CARRIED.

Division
Boundary
Referendum
Petition

107/2018 Wild
"That the Council of the R.M. of McKillop No. 220 make application to the court in accordance with Section 138 of *The Municipalities Act* for the purposes of validating and clarifying the wording to be placed on the ballot in response to this petition for boundary changes that contains a question referring to a map attachment based on the number of voters in an area rather than the Statistics Canada population of the municipality."

Reeve Arndt advised that this relates to the legal opinion provided by Merrilee Rasmussen.

Councillor Kuderewko asked how much this would cost and stated that Council already received advice from government that this could be done in 60 days. There is no need to have a Court application.

Reeve Arndt responded stating while Council could move ahead on its own, Council could later be challenged.

Vote held on 107/2018

CARRIED.

Building Bylaw

108/2018 Wild
"That Bylaw No. 297/2018 being "A bylaw of the Rural Municipality of McKillop No. 220 in the Province of Saskatchewan regarding buildings", be introduced and read a first time."

Councillor Kuderewko asked as a point of procedure if Council knew whether public notice had been provided on this?

Councilor Wild and Reeve Arndt both confirmed that public notice was provided on this bylaw.

CARRIED.

109/2018 was not moved at this meeting.

Councillor Kuderewko stated he was not given an opportunity to present amendments. Reeve Arndt stated that an opportunity to present amendments would occur when this Bylaw is read a second time, but not at this meeting. Councillor Kuderewko asked if he would get notice of the second reading. Reeve Arndt stated that he would personally give Councillor Kuderewko notice of the second reading.

Amend Zoning 110/2018 Helgeson
Bylaw "That Bylaw No. 340/2018 being "A bylaw of the Rural Municipality of McKillop No. 220 in the Province of Saskatchewan to amend Bylaw No. 234/11 known as the Zoning Bylaw", be introduced and read a first time."

Councillor Kuderewko advised that this is more than a minor variance of the Bylaw and so under *The Planning and Development Act* it needs to be advertised appropriately. Reeve Arndt stated that this amendment does not change the existing bylaw, it strengthens it.

CARRIED.

111/2018 was not moved at this meeting.

Amend Zoning 112/2018 Wilson
Bylaw "That Bylaw No. 341/2018 being "A bylaw of the Rural Municipality of McKillop No. 220 in the Province of Saskatchewan to amend Bylaw No. 234/11 known as the Zoning Bylaw", be introduced and read a first time."

Councillor Kuderewko stated that he believes this is a minor variance and he would support this except he clause about "a variance up to 10%" because that could change. Legal advice to Council has said do not include information directly from the legislation in your bylaw because then if the legislation changes, the bylaw is out of date. Reeve Arndt stated that this takes our existing bylaw and makes it tighter. Reeve Arndt also stated he agrees with the 10% issue, but the last time Council didn't include something from legislation in a bylaw, the Ministry did not accept the bylaw.

CARRIED.

Since it is after 4:00pm, Reeve Arndt asked Council if there is a desire to adjourn.

Councillor Wild made a motion "That Council continue this meeting until the agenda is completed."

CARRIED.
(at 4:09pm)

Resolution 113/2018 was not moved at this meeting.

Hamlet Committee 114/2018 Smith
Policy "That the Council of the R.M. of McKillop No. 220 adopt Policy #COM-004 being the Hamlet Committee Policy."

Councillor Wilson pointed out a typo error under Scope where it says "Halet" instead of "Hamlet".

Councillor Kuderewko questioned why the Reeve, Administrator and two Councillors would need to hold meetings individually with each Hamlet? Could some be done as joint meetings? Councillor Kuderewko suggested that Council table this until the next meeting to revise those parts of the Policy. He advised that Council needs to consider the economics of this especially with having a paid staff member at the meetings.

CARRIED.

Reeve Arndt raised a matter of business arising from the policy that Council will have to revisit the membership for this committee. Councillor Helgeson suggested that Council address that at the next meeting.

Custom Work 115/2018 Smith
Rates "That the Council of the R.M. of McKillop No. 220 amend Section 4 of Policy #TS-004 by adding:
Report g) Pay loader (Machine and operator) - \$130.00 per hour;
h) Tandem Truck for snow removal (Truck and operator) - \$90.00 per hour;
i) Summer maintenance – Organized Hamlets (Machine and operator) - \$68.00 per hour;
and
j) Summer maintenance – Organized Hamlet (Labour only) - \$25.00 per hour.

CARRIED.

Lease - 116/2018 Smith
SW 25-23-23-W2 "That in accordance with Subsection 9(1) of *The Landlord and Tenant Act*, the Council of the R.M. of McKillop No. 220 issue a demand letter to Last Mountain Regional Landfill Public Utility Authority for the 2017 and 2018 unpaid lease fees and all other outstanding fees relating to the landfill facility site located on SW 25-23-23-W2."

Councillor Helgeson stated that she would prefer to be more cordial and would ask to send a reminder letter rather than a demand letter in the spirit of a good relationship. Councillor Wild agreed we should send them a reminder that it needs to be paid. Councillor Helgeson moved to amend the resolution wording to "issue a reminder letter".

Councillor Kuderewko asked what other outstanding fees were owed. No one was aware of any. Councillor Kuderewko stated that the resolution should also be amended to remove "other outstanding fees" until we know what they are.

116A/2018 Helgeson
"That in accordance with Subsection 9(1) of *The Landlord and Tenant Act*, the Council of the R.M. of McKillop No. 220 issue a reminder letter to Last Mountain Regional Landfill Public Utility Authority for the 2017 and 2018 unpaid lease fees relating to the landfill facility site located on SW 25-23-23-W2."

CARRIED.

2017 Custom 117/2018 Wild
Work Rate "That the Council of the R.M. of McKillop No. 220 adjust the custom work rate applied to all
Adjustment summer maintenance completed in the Organized Hamlets to \$65.00 per hour from the \$75.00 per hour initially charged."

CARRIED.

Adjourn

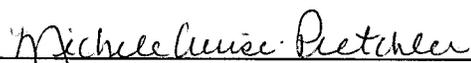
Wild

"That this meeting of the Council of the R. M. of McKillop No. 220 be adjourned."

CARRIED.
Time: 4:28pm



Reeve



Administrator



Reeve