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Resort Village of Candle Lake
Regular Meeting
May 25, 2009

A Regular Meeting of Council for the Resort Village of Candle Lake was held May 25, 2009 in the Administration Office at Candle Lake, Saskatchewan.

ATTENDANCE: The following were in attendance:

Toporowski, Nick	- Mayor
Allan, Doug	- Councilor
Caithcart, Lloyd	- Councilor
Nikiforuk, Gene	- Councilor
Romanuik, Leonard	- Councilor
English, Margo	- Administrator

CALL TO ORDER: A quorum being present, Mayor Toporowski called the Regular Meeting of Council to order at 8:15 a.m..

**ACCEPT
AGENDA** 112-2009
CAITHCART

That the agenda for the Regular Meeting of May 25, 2009 be accepted with the addition under new business of 'Perras Provincial Development Appeal'.

CARRIED

**ADOPT
MINUTES** 113-2009
ALLAN

That the minutes of the Regular Meeting of Council, held May 11, 2009 be adopted, as presented.

CARRIED

BUSINESS ARISING OUT OF MINUTES:

**R.M.TORCH
RIVER-
SERVICES
AGREEMENT-
C.L.OUTFITTERS
LODGE**

An agreement between the R.M. of Torch River and the Resort Village for the provision of fire and emergency services and the provision of landfill and lagoon facilities for the Candle Lake Outfitters Camp and Lodge, located in the R.M. of Torch River, was reviewed by Council. A cover letter directed to the R.M. outlining the need for an agreement and suggesting a meeting to discuss the possibility of annexation of a parcel of property that encompasses the Lodge was also reviewed. Councilor Caithcart commented that the land being proposed for annexation may also require the involvement of the R.M. of Paddockwood.

114-2009
CAITHCART

That the letter to the R.M. of Torch River outlining the need for an agreement to cover provision of services for the Candle Lake Outfitters Lodge and Camp, together with the agreement, and a suggestion to discuss the possibility of annexation of a parcel of property that encompasses the Lodge, be forwarded to the R.M. of Torch River.

CARRIED



**NIKIFORUK-
SUBDIVISION -
SERVICING
AGREEMENT**

The servicing agreement between the Resort Village of Candle Lake and Gene and Sandy Nikiforuk, for the subdivision of Parcel A, Plan 101550495 was discussed. Following a review of the agreement, Councilor Nikiforuk excused himself from the meeting and discussion amongst the four remaining members of Council resulted in the following resolutions:

**115-2009
CAITHCART**

That the Servicing Agreement with Gene and Sandy Nikiforuk for the subdivision of Parcel A, Plan 101550495 contain a clause approving only attached garages for the principle dwellings on proposed lots 54 and 55, these lots being accessed by Ford Road and therefore fronting on Ford Road.

CARRIED

**116-2009
CAITHCART**

That the Servicing Agreement with Gene and Sandy Nikiforuk for the subdivision of Parcel A, Plan 101550495 contain a clause stating that no accessory buildings be allowed on proposed lots fronting on Ford Road, namely lots 54 and 55.

CARRIED

**117-2009
ROMANUIK**

That the proposed clause 7 of the Servicing Agreement for the subdivision by Gene and Sandy Nikiforuk of Parcel A, Plan 101550495, requiring engineered sewage disposal system services, be removed from the agreement.

CARRIED

**118-2009
CAITHCART**

That the proposed subdivision of Parcel A, Plan 101550495, be modified to include an additional 10 foot buffer between lots 55 and 56, the buffer to join with the 10 foot buffer between lots 56, 57, 58 and Ford Road; that a payment of \$30,000. be paid by the Nikiforuks as payment in lieu of public reserve and that Clause 3(a) of Schedule "B" of the Servicing Agreement be modified to read a minimum road allowance of 15.24 metres (50 feet) and a minimum driving surface of 5 meters (16.25 feet).

CARRIED

**ROAD
RESTRICTION
LIFTED -
ORDER 2009-01**

**119-2009
CAITHCART**

That Council ratify the removal of Road Restriction Order No. 2009-01, with an effective removal date of midnight, Monday May 18, 2009.

CARRIED



**CANDLE LAKE LODGE/
SHIP'S LANTERN
RV SITE
PROPOSAL** Ken MacNair, on behalf of Candle Lake Lodge Ltd. forwarded correspondence expanding on his previous request for approval to operate a temporary 12 site RV Park on a portion of the site housing the Ship's Lantern Resort. The request to allow a temporary RV site would allow utilization of the property until such time as something more permanent than the present facility is established, with the goal being to pay property taxes with the net proceeds of the RV Park.

**120-2009
CAITHCART**

That the Resort Village proceed with a discretionary application by the Candle Lake Lodge Ltd., for the temporary allowance of a 12 site RV Park on the site of the Ship's Lantern Property, for a maximum period of three years.

DEFEATED

ACCOUNTS PAYABLE & FINANCIAL:

**ACCOUNTS
PAYABLE** **121-2009
ALLAN**

That Accounts Payable, cheques number 2674 to 2686, inclusive, and totaling \$9,679.11, be approved for payment.

CARRIED

NEW BUSINESS:

**BOYKO/PELECH
- #9 JOYCE PL.
TREE REMOVAL
REQUEST** Kari-Lyn Boyko and James Pelech have contacted the Resort Village requesting removal of several trees on the edge of the road allowance in the Joyce Place cul-de-sac. Councilors have visited the site and observed that there is more than ample driving surface on the cul-de-sac.

**122-2009
CAITHCART**

That the Resort Village respond to the request of Kari-Lyn Boyko and James Pelech regarding the request for removal of trees on the outer edge of the Resort Village road allowance of the Joyce Place cul-de-sac advising that the site has been reviewed and there is no safety or traffic issue resulting from the trees and therefore the trees will not be removed.

CARRIED

**BOARD OF
REVISION
- NEW
MEMBERS**

The Village of Meath Park and the R.M. of Garden River have made application to contract the services of the District Board of Revision for the year 2009 and become members of the Board effective January, 2010. The application and appointment of members requires the agreement of all member municipalities of the Board of Revision.

**123-2009
NIKIFORUK**

That the Resort Village agree to the request of the Village of Meath Park and the R.M. of Garden River to contract the services of the District Board of Revision for the 2009 year and join the membership of the District Board, effective January 1, 2010.

CARRIED



**APPOINTMENTS
TO BOARD
OF REVISION** 124-2009
CAITHCART

That Rose Brassard be appointed as a member to the District Board of Revision and the designation of Eleanore Shawcross be changed from 'member' to 'secretary' of the Board.

CARRIED

**WHOLE EARTH
BUILDERS -
TEMPORARY
STRUCTURE**

The development plans of Whole Earth Builders for Lot 03, Block D, Plan 101788319 include a restaurant and coffee bar. Due to the length of time it will take to complete the permanent structure, permission is requested to use a temporary structure as a coffee bar for the 2009 season. The purpose of a temporary structure will be to generate interest in the permanent development and to allow a potential long term lessee to assess the downtown market. The developer originally indicated that a temporary structure would be built to house tools and materials while construction of the permanent building is taking place.

125-2009
CAITHCART

That the Resort Village approve the request of Whole Earth Builders to use a temporary structure to house a coffee bar at #5 Bayview Drive, subject to the following conditions:

- a building permit is required,
- the building must meet all codes and health regulations,
- placement of the building must be in compliance with Resort Village bylaws for commercial accessory buildings,
- the temporary approval ends September 1, 2009.

DEFEATED

**CANDLE LAKE
GOLF RESORT-
SPECIAL
OCCASION
LIQUOR
PERMIT
AUG.1/09**

The Candle Lake Golf Resort is planning a Country Cabaret to be held on Saturday, August 1, 2009 between the hours of 4:00 p.m. and 10:00 p.m. The event will be held on the driving range of the golf course. Shuttle service will be available throughout the village for people in attendance. There is no requirement for a relaxation of the noise bylaw, however, the authorization of the Resort Village is required to obtain a liquor permit.

126-2009
CAITHCART

That the Resort Village has no requirement for a relaxation of the noise bylaw for events ending prior to 11:00 p.m. and that the Resort Village has no objection to the issuance of a Special Occasion Liquor Permit to the Candle Lake Golf Resort for Saturday, August 1, 2009, to be used in conjunction with a planned cabaret.

CARRIED

2009 BUDGET Final assessment maintenance numbers have now been received. Council reviewed budgeted expenditures, versus the revenues generated by different mill rate and mill rate factor options.

127-2009
CAITHCART

That the 2009 Budget, with revenues of \$1,996,875.94 and expenditures of \$1,961,866.52 be approved.

Councilor Romanuik requested a recorded vote.

In favor: Allan, Caithcart, Nikiforuk, Toporowski

Opposed: Romanuik

CARRIED

**TRANSFER
RESERVES** **128-2009**
ALLAN

That the following reserves be transfer into revenue for the 2009 budget:

- Equipment Reserve (Garbage Truck) \$67,085.00
- Roads/Streets \$53,000.00
- Fire Hall Expansion \$34,724.09
- Streetlight Installation \$ 9,803.55

CARRIED

**2009 MILL
RATE** **129-2009**
ALLAN

That the Resort Village mill rate for 2009 be set at 6.5 mills.

CARRIED

**PROV.
PLANNING
ALLEALS
DECISION-
PERRAS** Council discussed the decision of the Saskatchewan Municipal Board Planning Appeals Committee for a proposed development on Lot 19, Block 300, Plan 61PA08365 . The Resort Village Development Appeals Board denied the appeal application of Clem and Joyce Perras and the matter went to the Provincial Planning Appeals Committee. The Committee ruled that the Resort Village Board erred in its decision to deny the appellants' appeal. Both Council and the Resort Village Development Appeals Board have concerns in that the Planning and Development Act clearly defines the role of the Board to make decisions that do not "amount to a relaxation so as to defeat the intent of the zoning bylaw". The decision of the Saskatchewan Municipal Planning Appeals Committee has set aside the decision of the Resort Village Development Appeals Board and ordered the Resort Village to issue a development permit for the development as proposed by Clem and Joyce Perras in their August 20, 2008 application for a development permit.

130-2009
CAITHCART

That the Resort Village correspond with the Ministry of Municipal Affairs with reference to the decisions of the Saskatchewan Municipal Board Planning Appeals Committee, where the intent of our zoning bylaw is being defeated and development plans that are being approved by the Committee clearly contravene our bylaws, requesting written explanation for the disregard of Resort Village bylaws and advising that the Resort Village will not issue a development permit to the Perras' as applied for on August 20, 2008, until such time as the roles and responsibilities of the local Development Board and the provincial Planning Appeals Committee have been clarified.

  **CARRIED**

**NIKIFORUK -
SERVICING
AGREEMENT**

At the request of the Developer, Gene Nikiforuk, following his return to Council chambers and being advised of Council's decisions regarding terms of a servicing agreement for the proposed subdivision of Parcel A, Plan 101550495, items of the servicing agreement were again reviewed.

**131-2009
ALLAN**

That the clause referencing accessory buildings in the Servicing Agreement between Gene and Sandy Nikiforuk and the Resort Village of Candle Lake, covering the proposed subdivision of Parcel A, Plan 101550495, be revised to read 'accessory buildings on lots 54 and 55 will be a discretionary use' and that the payment of the \$30,000. in lieu of public reserve will be scheduled with a due date to coincide with the second installment of infrastructure fees.

CARRIED

BYLAWS & POLICIES:

**BYLAW
5-2009 -
MILL RATE**

Bylaw 5-2009, a Bylaw to establish mill rate factors for the year 2009 was reviewed. The Bylaw provides for 2009 mill rate factors as follows:

- factor of 1.0 with respect to land and improvements in the residential and seasonal classifications;
- factor of 2.0 with respect to land and improvements in the commercial and industrial classifications and
- factor of 1.0 with respect to land and improvements in the hotels and motels classification.

**BYLAW
5-2009
1st READING**

**132-2009
CAITHCART**

That Bylaw 5-2009, a bylaw to establish mill rate factors of 1.0 for land and improvements in the seasonal and residential classifications, 2.0 for land and improvements in the commercial and industrial classifications and 1.0 for land and improvements in the hotels and motels classifications, be introduced and given first reading.

CARRIED

**BYLAW
5-2009
2nd
READING**

**133-2009
ALLAN**

That Bylaw 5-2009, a bylaw to establish mill rate factors for the year 2009, be given second reading.

CARRIED

**BYLAW
5-2009
PROCEED
WITH 3rd
READING**

**134-2009
ALLAN**

That Council proceed with third reading of Bylaw 5-2009, a bylaw to establish mill rate factors for the year 2009.

CARRIED UNANIMOUSLY



3rd READING
BYLAW 5-2009
2009

135-2009
NIKIFORUK

That Bylaw 5-2009, a bylaw to establish mill rate factors of 1.0 for land and improvements in the seasonal and residential classifications, 2.0 for land and improvements in the commercial and industrial classifications and 1.0 for land and improvements in the hotels and motels classifications, be given third reading and passed.

CARRIED

NEXT
MEETING

The next Regular Meeting of Council will be held Monday, June 8, 2009, commencing at 7:00 p.m.

ADJOURN

136-2009
CAITHCART

That the meeting adjourn.

CARRIED

The meeting adjourned at 11:40 a.m.



Mayor Toporowski



Administrator, Margo English