

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF PENSE COUNCIL  
HELD ON NOVEMBER 8th, 2023, AT 7:00 P.M. AT COUNCIL CHAMBERS.**

Located on Treaty 4 territory. Traditional lands of the Cree, Saulteaux [sawl-toh], Dakota, Nakota and Lakota peoples and on the homeland of the Métis Nation.

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**PRESENT:**                    **Mayor: Angela Neumann Michele LeBlanc**  
                                 **Councillors: Ariane Desrosiers**  
                                 **Ken Lovell**  
                                 **Administrator Jennifer Lendvay**

**ABSENT:**                    **Councillor Michele LeBlanc and Mitchell Zaba**

**CALL TO ORDER**

Mayor Neumann called the meeting to order at 7:05 p.m.

**AGENDA**

190/2023 - LOVELL - That the agenda be approved as presented.

CARRIED

**CONFLICT OF INTERESTS**

Councillor Lovell declared conflict of interest in agenda item: Accounts for Approval Batch 2023-00042 October Month End Payables.

**MINUTES**

191/2023 - DESROSIERS - That the minutes of the regular meeting of council held on October 13, 2023, be approved.

CARRIED

**TAX TITLE PROPERTY LOT 3 BLK 6**

192/2023- DESROSIERS - That Lot 3 Block 6 be listed with a realtor to sell Spring 2024 as no tenders were received.

CARRIED

2 tenders were received for the heater; Mayor Neumann opened both tenders.

**HEATER TENDERS**

193/2023- DESROSIERS – That heater tender be awarded to Michele LeBlanc for the tender offered amount of \$200.00.

CARRIED

**APPOINTMENT OF THE 2024 BOARD OF REVISIONS**

194/2023 – LOVELL – That the Town of Pense appoints Western Municipal Consulting Ltd. to manage the Board of Revision process for the term of January 1, 2024, through to December 31, 2024; remuneration as set out in Western Municipal Consulting Ltd. fee schedule, with the following to serve as Members of the Board of Revision: Dave Gurnsey, Dave Thompson, Donna Rae Zadvorny, Gordon Parkinson, Jeff Hutton, Kevin Kleckner, Mike Waschuk, Murray Dean, Stew Demmans, Tim Lafreniere, Wayne Adams, Ken Friesen, Femi Ogunrinde, Fife Ogunde, Maureen Jickling, Jamie Tiessen.

The Chair shall be responsible for naming no fewer than three (3) members for the hearing of any matter. Where the Chair does not include themselves among the appointees, the members appointed for a hearing shall determine the chair of that hearing from among their numbers. hat the MuniSoft customer portal extension be purchased.

CARRIED

**APPOINTMENT OF SECRETARY TO THE 2024 BOARD OF REVISIONS**

195/2023 – NEUMANN – That the Town of Pense appoints Kristen Tokaryk with Western Municipal Consulting Ltd. as Secretary to the Board of Revision for the term of January 1, 2024, through to December 31, 2024; remuneration as set out in Western Municipal Consulting Ltd. fee schedule. If Kristen Tokaryk is unable to perform secretarial functions for reasons which may include scheduling difficulties the secretary may appoint a delegate to perform administrative functions and may appoint a recording secretary for the purposes of any hearing.

CARRIED

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**APPOINTMENT OF THE 2024 DEVELOPMENT APPEALS BOARD**

196/2023 – DESROSIERS - That the Town of Pense appoints Western Municipal Consulting Ltd. to manage the Development Appeals Board process for the term of January 1, 2024, through to December 31, 2024; remuneration as set out in Western Municipal Consulting Ltd. fee schedule, with the following to serve as Members of the Development Appeals Board: Dave Gurnsey, Dave Thompson, Donna Rae Zadvorny, Gordon Parkinson, Jeff Hutton, Kevin Kleckner, Mike Waschuk, Murray Dean, Stew Demmans, Tim Lafreniere, Wayne Adams, Ken Friesen, Femi Ogunrinde, Fife Ogunde, Maureen Jickling, Jamie Tiessen, Stu Hayward, Pam Malach, Barry Clark.

The Chair shall be responsible for naming no fewer than three (3) members for the hearing of any matter. Where the Chair does not include themselves among the appointees, the members appointed for a hearing shall determine the chair of that hearing from among their numbers.

CARRIED

**APPOINTMENT OF SECRETARY TO THE 2024 DEVELOPMENT APPEALS BOARD**

197/2023 -LOVELL - That the TOWN OF PENSE appoints Claudette McGuire with Western Municipal Consulting Ltd. as Secretary to the Development Appeals Board for the term of January 1, 2024, through to December 31, 2024; remuneration as set out in Western Municipal Consulting Ltd. fee schedule. If Claudette McGuire is unable to perform secretarial functions for reasons which may include scheduling difficulties the secretary may appoint a delegate to perform administrative functions and may appoint a recording secretary for the purposes of any hearing.

CARRIED

**SASKATCHEWAN HEALTH AUTHORITY- PENSE MEMORIAL RINK INSPECTION**

198/2023 – LOVELL – That the ice arena inspection report from Saskatchewan Health Authority for the Pense Memorial Rink is hereby acknowledged.

CARRIED

**2024 CERTIFICATE OF APPOINTMENTS - PROFESSIONAL BUILDING INSPECTIONS INC**

199/2023 – DESROSIERS – That in accordance with the service agreement with Professional Building Inspections Inc. and under the authority of subsections 16(2) and 16(3) of *the Construction Codes Act*. the Town of Pense hereby resolves to issue a Certificate of Appointment for:

Douglas Mulhall - Class 3 Licensed Building Official, Saskatchewan BOL001  
Bobby Baker – R-Class 3 Licensed Building Official, Saskatchewan BOL552/701  
Walter Schroeder - R-Class 2 Licensed Building Official, Saskatchewan BOL488/669  
David Kindred - Class 1 Licensed Building Official, Saskatchewan BOL514  
John Dulle – Class 1 Licensed Building Official, Saskatchewan BOL789  
Joshua Nitz – R-Class 2 Licensed Building Official, Saskatchewan BOL785/804  
Amanda Kaufmann – Class 2 Licensed Building Official, Saskatchewan BOL405  
Virginia Shepley – Class 3 Licensed Building Official, Saskatchewan BOL517

who are residents of the Province of Saskatchewan as the Licensed Building Officials for the Town of Pense.

CARRIED

**DAYCARE COMMITTEE**

200/2023 – DESROSIERS – That the Town of Pense pay for the legal expense for incorporation of the daycare of up to \$1,300.00.

CARRIED

**BYLAW 1/2023 - OFFICIAL COMMUNITY PLAN – RESCIND 2<sup>nd</sup> READING 141/2023**

201/2023 – DESROSIERS – That resolution 141/2023 2<sup>nd</sup> reading of the Official Community Plan is hereby rescinded.

CARRIED

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**BYLAW 1/2023 - OFFICIAL COMMUNITY PLAN – RESCIND 3<sup>rd</sup> READING**

202/2023 – DESROSIERS – That resolution 142/2023 3<sup>rd</sup> reading of the Official Community Plan is hereby rescinded.

CARRIED

**BYLAW 1/2023 - OFFICIAL COMMUNITY PLAN – WAIVE ADVERTISING**

203/2023 – DESROSIERS – That under subsection 211(2) of the *Planning and Development Act, 2007*, Council requests that the Minister dispense with the advertising and inspection requirements of subsection 211(1) of the PDA, since the alteration proposed to Bylaw 1/2023 the Official Community Plan is of a minor nature.

CARRIED

**BYLAW 1/2023 – OFFICIAL COMMUNITY PLAN**

204/2023- LOVELL – That Bylaw 1/2023 be read a second time with the following amendments:

Deletion:

Future development shall provide for adequate drainage and integrate into the natural surroundings and should complement the surrounding community design, landscape, and vegetation. Existing drainage runs, trees and vegetation shall be retained where possible and incorporated into site planning. A variety of native trees and vegetation shall be encouraged to minimize maintenance and water use. Any development in the floodway and development in flood prone areas or where it may impact other water sources will be reviewed and flood proofing in flood fringe areas will be 0.5 metres above the 1: 500 flood level as amended by the provincial agency responsible. In addition, all development must be setback 150 metres, as per current and amended regulations from waterways, streams, reservoirs, and other areas that provide source water to ensure water quality and safety.

New insert after the last Section of Environmental and Sustainable Policies:

Development of new buildings and additions to buildings will be prohibited in the floodway of the 1:500 year flood elevation of any watercourse or water body. Development of new buildings and additions to buildings in the flood fringe will be required to flood proof to an elevation of 0.5 meters above the 1:500 year flood elevation of any watercourse or water body, as amended by the provincial agency responsible. In addition, all development must be setback 150 metres, as per current and amended regulations from waterways, streams, reservoirs, and other areas that provide source water to ensure water quality and safety. In addition, any further amplification in revised “Statements of Provincial Interest Regulations” will be applied.

New: Added more detail of the location of the section in the OCP:

1. **Part 4 General Land Use Policies is amended by adding Heritage and Culture Policies after Section Environmental and Sustainable Policies:**
2. **Part 4 General Land Use Policies is amended by adding First Nations, Treaty Land Entitlements and Urban Reserve Policy after Section Heritage and Culture Policies:**

This section had duplicate wording. Delete it out and inserted the new section as a whole.

3. Part 9 Municipal Utilities and Infrastructure Transportation Policies is amended by deleting the following:

Consultation with the Railways shall be required when a potential development is proposed for a:

- a) development or redevelopment proposals in proximity to rail facilities or for proposals for rail-serviced industrial parks;
- b) road and utility Infrastructure works which may affect a rail facility;
- c) transportation plans that incorporate freight transportation issues; and
- d) all new, expanded or modified rail facilities.

And replace it with the following:

**Railway and Highway Development**

Consultation with the Railways/Highways shall be required when a potential development is proposed for a:

- a) development or redevelopment proposals in proximity to rail facilities/highways or for proposals for rail-serviced industrial parks.
- b) road and utility Infrastructure works which may affect a rail facility and highway system.
- c) transportation plans that incorporate freight transportation issues; and
- d) all new, expanded, or modified rail facilities or commercial/industrial development.
- e) Should further residential development be proposed near existing rail lines development within or adjacent to the Town, the Town will recognize the provisions of the Statements of Provincial Interest, *Planning and Development Act, 2007*, particularly as referenced by Clause 32(2) (k), and the “FCM” policy document on “Development Adjacent to Railway’s”, and all best management practices will be utilized, to ensure adequate setbacks between land uses are implemented. In

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addition, "The Land Use Planning, Rail Proximity and Public Safety Report" prepared for The Railway Association of Canada will be utilized in any review of rail line development. The Zoning Bylaw will be amended to be consistent with all current legislation should further development impacting both land uses occur. Currently the rail line is adjacent to light industrial and commercial uses and the Future Land use map does not include residential uses expanding or encroaching on the rail line.

- f) Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 metres (150.92 feet) of the point of intersection of the centre line of both the railway and the street.
- g) As identified and suggested on the Guidelines for New Development in Proximity to Railway Operations, The Federation of Canadian Municipalities and Railway Association of Canada of May 2013; the standard recommended building setbacks for new residential development in proximity to railway operations are as follows:
  - (a) Freight Rail Yard: 300 metres
  - (b) Principal Main Line: 30 metres
  - (c) Secondary Main Line: 30 metres
  - (d) Principal Branch Line: 15 metres
  - (e) Secondary Branch Line: 15 metres
  - (f) Spur Line: 15 metres

CARRIED

**BYLAW 1/2023 – OFFICIAL COMMUNITY PLAN**

205/2023 – DESROSIERS – That Bylaw 1/2023 being a Bylaw to Amend Bylaw 1/2013 Known as The Official Community Plan Under Subsection 29(2) of the Planning and Development Act, 2007 be read a third time and adopted.

CARRIED

**BYLAW 2/2023 - ZONING BYLAW – RESCIND 2<sup>nd</sup> READING 143/2023**

206/2023 – DESROSIERS – That resolution 143/2023 2<sup>nd</sup> reading of the Zoning Bylaw is hereby rescinded.

CARRIED

**BYLAW 2/2023 - ZONING BYLAW – RESCIND 3<sup>rd</sup> READING 144/2023**

207/2023 – DESROSIERS – That resolution 144/2023 3<sup>rd</sup> reading of the Zoning Bylaw is hereby rescinded.

CARRIED

**BYLAW 2/2023 - ZONING BYLAW – WAIVE ADVERTISING**

208/2023 – DESROSIERS – That under subsection 211(2) of the *Planning and Development Act, 2007*, Council requests that the Minister dispense with the advertising and inspection requirements of subsection 211(1) of the PDA, since the alteration proposed to the Zoning Bylaw 2/2023 is of a minor nature.

CARRIED

**BYLAW 2/2023 - ZONING BYLAW**

209/2023- LOVELL – That Bylaw 2/2023 be read a second time with the following amendments:

3.7.1.2 As soon as practicable after Council is advised that an application has been made for a Development Permit for a discretionary use, Council shall consider the application. Prior to making a decision, Council may refer the application to whichever Government Agencies, the Industrial Corridor Steering Committee or other interested groups as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals. The fee for the review of a discretionary use development permit application is identified in *Fees and Charges Bylaw Related to Planning and Development* and is to be borne by the applicant. ~~with the cost of this review to be borne by the applicant.~~

**3.10 FEE FOR ZONING AMENDMENT APPLICATION**

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by The Planning and Development Act, 2007. Council also may require the applicant to pay ~~all costs incurred in a professional review of the application and in carrying out a public hearing.~~ the zoning bylaw amendment application fee, as identified in the *Fees and Charges Bylaw Related to Planning and Development*.

3.9.3 move to 3.7.1.4 and reword as the particular section primarily speaks to discretionary use and should be moved to the discretionary use area.

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As per the Planning and Development Act, 2007 the Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of the proposed use by posting a notice of the application at the entrance to the property in question and by mailing a copy of the notice to the assessed owner of each abutting property and each assessed owner of property within a 75.0 metre radius of the proposed development..

CARRIED

**BYLAW 2/2023 - ZONING BYLAW**

210/2023 – DESROSIERS – That Bylaw 2/2023 being the Zoning Bylaw be a read a third time and adopted.

CARRIED

**BYLAW 6/2023 PLANNING AND DEVELOPMENT FEES BYLAW**

211/2023 – DESROSIERS – That 1<sup>st</sup> reading be given to Bylaw 6/2023 Planning and Development Fees Bylaw.

CARRIED

**BYLAW 5/2023 – BORROW BY WAY OF DEBENTURES – WATER PLANT**

212/2023 – DESROSIERS – That first reading be given to Bylaw 5/2023 a Bylaw to Borrow by Way of Debentures.

CARRIED

**BYLAW 5/2023 – BORROW BY WAY OF DEBENTURES – WATER PLANT**

213/2023 – DESROSIERS – That second reading be given to Bylaw 5/2023 a Bylaw to Borrow by Way of Debentures.

CARRIED

**BYLAW 5/2023 – BORROW BY WAY OF DEBENTURES – WATER PLANT**

214/2023 – DESROSIERS – That Bylaw 5/2023 be given three readings at this meeting.

CARRIED UNANIMOUSLY

**BYLAW 5/2023 – BORROW BY WAY OF DEBENTURES – WATER PLANT**

215/2023 – DESROSIERS – That Bylaw 5/2023 being a Bylaw to Borrow by Way of Debentures be read a third time and adopted.

CARRIED

Due to a conflict of interest in the next item of business Councillor Lovell left Council Chambers at 8:03 PM

**ACCOUNTS PAYABLE**

216/2023- NEUMANN - That the account Batch 2023-00042 October Month End Payables presented for payment is hereby approved.

CARRIED

Councillor Lovell returned to Council Chambers at 8:05 PM

**ACCOUNTS PAYABLE**

217/2023- DESROSIERS - That the account Batch 2023-000404 November Council Meeting presented for payment is hereby approved.

CARRIED

**OCTOBER BANK RECONCILIATION – GENERAL AND SAVINGS ACCOUNT**

218/2023 -LOVELL - That the bank reconciliation for the general and savings account are hereby approved.

CARRIED

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**STATEMENT OF FINANCIAL ACTIVITIES**

219/2023 – LOVELL - That the October financial statement is hereby approved.

CARRIED

**ADMINISTRATION REPORT**

220/2023 – DESROSIERS - That administration report be received as information and filed.

CARRIED

**PUBLIC WORKS REPORT**

221/2023 – DESROSIERS - That public works report be received as information and filed.

CARRIED

**PENSE RECREATION BOARD**

222/2023 – LOVELL – That the minutes of the Pense Recreation Board October 10, 2023, be received as information and filed.

CARRIED

**CORRESPONDENCE**

223/2023 – NEUMANN - That the correspondence having been read be accepted and filed.

CARRIED

**ADJOURNMENT**

224/2023 – NEUMANN - That the meeting be adjourned. (8:51 PM)

CARRIED

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**MAYOR**

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**ADMINISTRATOR**