

**Village of Buena Vista
Minutes of the Regular Meeting
Council Chamber, Administration Building
March 8, 2012**

PRESENT:

Mayor	Roni Goulet
Councillor	Hank Heerspink
Councillor	Parker Neuls
Councillor	Steve Hasiak
Administrator	Cindy Baumgartner

ABSENT:

Councillor	Glen Knight
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Call to Order:

A quorum being present, Mayor Goulet called the meeting to order at 7:01 p.m.

Delegate:

1. Barry Bashutski attended the council meeting to discuss with council the concerns they have with the trees that were planted in the ditch on 4th Avenue, the gate that is cemented in place and the concrete pad that is encroaching on public roadways. Mr. Bashutski provided council with a hand out with a copy of a survey of the property, along with photos of his property from approximately July 2010. Mr. Bashutski would like the roadway moved over 6 to 10 feet to take the "S" out of the road and make it a straight roadway. Mr. Bashutski also would like to have Pleasant Ave. straightened so that there is more of a ditch on the other side. Mr. Bashutski would like to be notified if the trees need to be moved that he planted in the village ditch he would move them. He stated that the gate is a 1-1/2' onto the village property. Cllr. Heerspink asked why the gate would be put onto village property and not onto his property. Mr. Bashutski stated that he didn't really think there would be an issue with the 1-1/2' on village property. Mayor Goulet stated that her understanding from council was that if it is on village property it should be removed off onto private property. On page 3 of his handout it showed a concrete pad was groomed level. Last year Mr. Bashutski stated that he dug around it and chipped it away. He wanted to move his garbage can down further so the Loraas truck wouldn't sink away. He created a drainage ditch so the water would cross the road towards Barber's property so that it would run down that ditch. He framed out the concrete with more concrete and rebar. He also stated he placed rocks along the roadway on village property. He stated that he has approximately 4 to 6" of rock onto village property and the concrete sticks out approximately 4' onto village property. He suggested that the village move Pleasant over to straighten out the road which then would take away the concerns of the safety as the road then would not run close to the concrete slab and would also help with drainage. The council stated that they would have to discuss this matter further and figure out what works best for Mr. Bashutski and the village.

2. Aina Kagis attended the council meeting to discuss the motion to pay legal fees by the councilors. Aina Kagis was representing Jean Thomas, my mother-in-law and the owner of the property at 167 Lakeview Crescent. I am here to raise concerns about a motion passed on January 26 that resolves that the Village of Buena Vista will pay all legal costs associated with four councillors' legal defence against Roni Goulet's harassment charges. The four councillors whose legal expenses will be paid moved, seconded and voted in favour of the motion. There are a number of problems with this motion. First, it represents a conflict of interest for the four councillors in question. It is the type of conflict characterized as "self-dealing", in which officials who control an organization cause that organization to enter into a transaction with them that benefits them. In effect, the officials are on both sides of the deal. Second, having the Village pay their legal costs removes any incentive for the four councillors to seek a timely resolution to the matter. Third, the section of the Municipalities Act on which the councillors rely does not apply in this situation. This sort of indemnification described in the Act, typically referred to as errors and omissions insurance, is intended to protect councillors and the Village from actions taken against them for errors or omissions made in discharging their duties as councillors. It is hard to imagine how harassment, as alleged against the councillors, could be seen as either an error or an omission or a mistake made in good faith. The councillors' motion creates the bizarre possibility that, should it be found, either by the courts or by the Occupational Health and Safety Branch or by both that harassment occurred as alleged, Village taxpayers will have, in effect, financially endorsed councillors' bad behaviour and breach of a provincial statute. Finally, I would suggest that the councillors' themselves recognize that the cited section of the Municipalities Act does NOT afford them the protection they are claiming it does. If the section DID apply in these circumstances, no motion would be necessary.

I understand that the councillors' lawyer is also the Village's lawyer. If this is the case, to my mind it also constitutes an egregious conflict of interest.

In any event, I am requesting council to reverse its motion of January 26 and to defend their alleged actions out of their own pockets.

Clr. Hasiak responded that what was done; was done with a fair amount of research through lawyers, one in particular that deals with this act and on that advice we proceeded. Clr. Hasiak commented that the village doesn't have a specific lawyer and has used a few over the last 2 – 2-1/2 years. Scott Hopley, the councilor's lawyer was used only in the case of the allegations with the RCMP.

Minutes:

48/12 Heerspink THAT the minutes of the regular meeting of council held February 23, 2012, be approved.

Clr. Hasiak seconded the motion.

Carried

Payment of Accounts:

49/12 Hasiak THAT cheque numbers #5268 to #5282 totaling \$10,204.43 be hereby approved.

Clr. Neuls seconded the motion.

Carried

Staff and Committee Reports:

50/12 Hasiak THAT council approves Public Work's Foreman, Colin Abrey's written report #4 from March 8, 2012, be approved as submitted.

Clr. Heerspink seconded motion.

Carried

51/12 Neuls THAT council approves Administrator, Cindy Baumgartner's written report #5 from March 8, 2012 be approved as submitted.

Clr. Hasiak seconded motion.

Carried

Old Business:

Emergency Measures Organization Bylaw

52/12 Hasiak THAT the Bylaw No. 1/12 be read a first time.

Clr. Heerspink seconded motion.

Carried

53/12 Neuls THAT the Bylaw No. 1/12 be read a second time.

Clr. Hasiak seconded motion.

Carried

54/12 Heerspink THAT the Bylaw No. 1/12 be given three readings at this meeting.

Clr. Hasiak seconded motion.

Carried

55/12 Hasiak THAT the Bylaw No. 1/12 be read a third time and adopted.

Clr. Heerspink seconded motion.

Carried

New Business:

Building Standards Workshop

56/12 Heerspink THAT council approve for the Administrator to attend the Building Standards Workshop in Moose Jaw.

Clr. Hasiak seconded motion.

Carried

2012 UMAAS Local Government Election Workshop

57/12 Hasiak THAT council approve the attendance of Administrator and DRO attend the Election Workshop May 24, 2012 in Regina.

Clr. Neuls seconded motion.

Carried

Deputy Returning Officer

58/12 Neuls THAT council approve Karen Blais as Deputy Returning Officer for the upcoming October election.

Clr. Heerspink seconded motion.

Carried

Adjournment:

59/12 Goulet THAT the meeting be adjourned at 8:40 p.m.

Mayor Goulet

Administrator