

Council Chambers
City Hall, Saskatoon, Sask.
Wednesday, August 19, 2009
at 11:00 a.m.

MINUTES OF SPECIAL MEETING OF CITY COUNCIL

PRESENT: His Worship the Mayor, in the Chair;
Councillors Clark, Dubois, Heidt, Hill, Lorje, Neault,
Paulsen, Penner, Pringle, and Wyant;
City Manager Totland;
A/City Solicitor Manning;
General Manager, Corporate Services Bilanski;
General Manager, Community Services Gauthier;
General Manager, Fire and Protective Services Bentley;
A/General Manager, Infrastructure Services Sexsmith;
General Manager, Utility Services Department Jorgenson;
City Clerk Mann; and
Council Assistant Mitchener

With His Worship the Mayor in the Chair the following matters were considered and dealt with as stated:

ADMINISTRATIVE REPORT NO. 16-2009

Section G – CITY MANAGER

**G1) Lake Placid Developments (Saskatchewan) Inc.
Parcel “Y” - River Landing Phase I
Request for Extension - Payment of Purchase Price
(File No. CC 4130-2)**

RECOMMENDATION: 1) that the Amending Agreement to the Memorandum of Agreement for the sale of Parcel Y, River Landing, and the Sale Agreement for the Lane Adjacent to Parcel Y, which provides for extension of the Construction Requirement to June 30, 2010, be further amended to:

a) extend the time for payment of the balance of the Purchase Price for each of Parcel Y and the Lane to 5:00 p.m., October 30, 2009, provided that all interest accrued under both Agreements, totalling \$214,197.19, is paid on August 31, 2009; and

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- b) provide for termination of each Agreement in the event that either payment referred to in a) is not received.
- 2) that the City Solicitor be instructed to draft the necessary amending agreement; and
- 3) that His Worship the Mayor and the City Clerk be authorized to sign the amending agreement.

City Council, at its meeting held on June 22, 2009 approved an extension of the Construction Requirement in its Sale Agreement with Lake Placid River Landing Inc. for the sale of Parcel Y in River Landing Phase I. The Construction Requirement, which requires Lake Placid to complete all excavation required for the project, was extended to June 30, 2010, provided that payment in full for the site was received by 5:00 p.m., August 17, 2009. The Amending Agreement entered into pursuant to Council's resolution provides that the date for payment may be further extended by the City.

As Council is aware, payment was not received from Lake Placid by the date and time specified in Council's resolution. However, prior to the deadline for payment, the City received a request from Lake Placid to extend the time for payment to October 31, 2009. A copy of a letter from the Lake Placid Developments (Saskatchewan) Inc. outlining the request and the reasons therefore is attached (Attachment 1).

Lake Placid has represented to the Administration that its financing for the project has been approved, but that various administrative processes involving the international transfer of funds remain to be completed. The City has received, through Lake Placid, a Certificate of Incorporation and a Notice of Registered Office for Seremia Ltd., who is Lake Placid's lender. We have also received documentation showing that Seremia Ltd. has a bank account with Barclays Bank PLC in Nicosia, Cyprus.

As Council will be aware, interest has been accruing on the outstanding balances of the purchase prices for both Parcel Y and the Lane adjacent to Parcel Y under the two sale agreements. The amount of this accrued interest to August 31, 2009, is \$193,770.48 for Parcel Y and \$20,426.71 for the Lane, totalling \$214,197.19.

Administration is prepared to recommend an extension of the time for payment to 5:00 p.m., October 30, 2009, (October 31 is a Saturday). The extension would be conditional upon Lake Placid paying the accrued interest noted above by 5:00 p.m., August 31, 2009. In the event that this payment is not received, both sale agreements would be at an end and Lake Placid would forfeit the deposits paid under the Parcel Y agreement. This would occur without a further resolution of Council. Similarly, if payment of the full balances owing under each agreement is not received by 5:00 p.m. on October 30, 2009, both agreements would also be at an end without a further resolution of Council.

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PUBLIC NOTICE

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

ATTACHMENT

1. Letter dated August 17, 2009 from Lake Placid Developments (Saskatchewan) Inc.

The City Clerk distributed copies of the following letters:

- *John McConnell, dated August 19, 2009, submitting comments; and*
- *Linda Brown, dated August 19, 2009, submitting comments.*

His Worship the Mayor noted that there was a late request to speak from Mr. Jonas Kiedrowski.

Moved by Councillor Hill, Seconded by Councillor Wyant,

THAT Jonas Kiedrowski be heard.

CARRIED.

Mr. Jonas Kiedrowski spoke against providing Lake Placid Developments an extension.

Mr. Michael Lobsinger, Lake Placid Developments, reviewed the project, provided Council an explanation for the required extension and asked for Council's support.

Moved by Councillor Heidt, Seconded by Councillor Wyant,

- 1) *that the Amending Agreement to the Memorandum of Agreement for the sale of Parcel Y, River Landing, and the Sale Agreement for the Lane Adjacent to Parcel Y, which provides for extension of the Construction Requirement to June 30, 2010, be further amended to:*
 - a) *extend the time for payment of the balance of the Purchase Price for each of Parcel Y and the Lane to 5:00 p.m., October 30, 2009, provided that all interest accrued under both Agreements, totalling \$214,197.19, is paid on August 31, 2009; and*
 - b) *provide for termination of each Agreement in the event that either payment referred to in a) is not received.*
- 2) *that the City Solicitor be instructed to draft the necessary amending agreement; and*

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- 3) *that His Worship the Mayor and the City Clerk be authorized to sign the amending agreement.*

IN AMENDMENT

Moved by Councillor Hill, Seconded by Councillor Lorje,

- 1) *that 1a) be amended by changing the deadline from October 30, 2009, to September 15, 2009; and*
- 2) *that 1b) be amended to read as follows:*
- b) *that, should Lake Placid not be able to meet the September 15, 2009 date, that the proponent be given the opportunity to come back to Council with a request for a further extension.*

YEAS: Councillors Clark, Hill, Lorje, and Paulsen 4

NAYS: His Worship the Mayor, Councillors Dubois, Heidt, Neault, Penner, Pringle, and Wyant 7

THE AMENDMENT WAS PUT AND DEFEATED.

IN AMENDMENT

Moved by Councillor Clark, Seconded by Councillor Lorje,

THAT 1a) be amended by changing the deadline from October 30, 2009, to September 30, 2009.

YEAS: Councillors Clark, Hill, Lorje and Paulsen 4

NAYS: His Worship the Mayor, Councillors Dubois, Heidt, Neault, Penner, Pringle, and Wyant 7

THE AMENDMENT WAS PUT AND DEFEATED.

THE MAIN MOTION WAS PUT AND CARRIED WITH A RECORDED VOTE AS FOLLOWS:

YEAS: His Worship the Mayor, Councillors Dubois, Heidt, Neault, Penner, Pringle, and Wyant 7

NAYS: Councillors Clark, Hill, Lorje, and Paulsen 4

COMMUNICATIONS TO COUNCIL

The following communication was submitted and dealt with as stated:

B. ITEM WHICH REQUIRES THE DIRECTION OF COUNCIL

1) Ryan Peet, Original Joe's, dated August 4, 2009

City Council, at its meeting held on Monday, August 17, 2009, considered the attached letter from Ryan Peet, Original Joe's, dated August 4, 2009, requesting an extension to the time where amplified music can be heard under the Noise Bylaw until 1:00 a.m. on August 22, 2009 on their patio located on 8th Street East in conjunction with Cruise Night. (File No. CK. 185-9)

Council passed a motion that the request from Original Joe's for an extension of the time that amplified music can be heard under the Noise Bylaw on August 22, 2009, in conjunction with Cruise Night, be granted to the same time that Cruise Weekend was granted.

It has since been discovered that Cruise Weekend did not require a Noise Bylaw Extension so therefore the letter is being place before Council again for its direction. Mr. Peet has been in contact with the City Clerk's Office and indicated that he would adjust his request to midnight on August 22, 2009, or even 11:00 p.m., but his preference would be midnight.

RECOMMENDATION: that the direction of Council issue.

Moved by Councillor Wyant, Seconded by Councillor Dubois,

THAT the request from Original Joe's for an extension of the time that amplified music can be heard under the Noise Bylaw to 1:00 a.m. on August 22, 2009, in conjunction with Cruise Night, be granted.

CARRIED.

Moved by Councillor Penner,

THAT the meeting stand adjourned.

CARRIED.

The meeting adjourned at 12:22 p.m.

Mayor

City Clerk