

RURAL MUNICIPALITY OF MACDONALD

Sanford Manitoba

MINUTES OF THE MEETING OF COUNCIL OF MARCH 24, 2009

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, March 24, 2009, commencing at 3:00 p.m. In attendance were: Deputy-Reeve D. Dobrowolski and Councillors G. Lavallee, B. Rex, R. Kirouac, R. Morse, C. Bisson, B. Erb and W. T. Raine, CAO.

126/09 Agenda

G. Lavallee: B. Rex: BE IT RESOLVED: THAT the meeting agenda for March 24, 2009 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. By-Law No. 11/09 – Right-of-Way Agreement – SW 29-8-1E
2. By-Law No. 12/09 – 4212151 Manitoba Ltd Development Agreement
3. Emergency Prevention Order
4. Sandbags
5. Torch Relay

Carried.

127/09 Minutes

R. Morse: G. Lavallee: WHEREAS a copy of the minutes has been provided to each member of Council;

THEREFORE, BE IT RESOLVED: THAT the Council of The Rural Municipality of Macdonald waive the reading of the minutes of the meeting of March 10, 2009;

AND THAT the minutes be adopted.

Carried.

128/09 Accounts

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20090450 to 20090527 dated March 24, 2009 totalling \$180,169.22 be approved and paid.

Carried.

129/09 Financial Statements

R. Kirouac: B. Erb: BE IT RESOLVED: THAT the financial statement for the months ended January 31 & February 28, 2009 be received.

Carried.

Reeve Burns

R. Burns attended the meeting at 3:10 p.m. and assumed the Chair.

130/09 By-Law No. 10/09 – 2009 Financial Plan & Annual Tax Rates

B. Erb: C. Bisson: BE IT RESOLVED: THAT By-Law No. 10/09 under the provisions of The Municipal Act S.M. 1996 c. 58 to fix the rates and levies in accordance with the sums set forth in the record of estimates and schedules of said by-law as follows:

<u>Tax Levy</u>	<u>Mills</u>
Municipal Purposes	14.299
Conservation District.....	.299
Codner Drain Area – per acre charge.....	@ \$1.40

Atchison/DeMeyer Drain Area – per acre charge	@	\$2.844
School - Provincial: Other		16.105
Special - Pembina Trails		25.586
- Seine River S.D. No. 14		24.397
- Red River Valley		23.777
- Prairie Rose		19.158
La Salle Recreation Centre	- Zone "A"458
	- Zone "B"176
Starbuck Hall	- Zone "Rural"295
	- Zone "Urban"405
Sanford Rink – per parcel charge	@	\$67.61
Oak Bluff Sewer – per foot frontage @ \$2.50		2.555
Domain Sewer – per foot frontage @ \$5.16.....		6.233
Starbuck Water – per foot frontage @ \$3.00		2.622
Sanford Water – per foot frontage @ \$1.50.....		.084
AgriPark Water – per foot frontage @ \$9.23.....		.564
Brunkild Sewer & Water – per foot frontage @ \$6.26.....		16.672
Remote Read Water Meter – per parcel charge	@	\$39.97
Kingswood Sewer Lift Station – per foot frontage	@	\$2.118
Starbuck Sewer Lift Station – per parcel charge @ \$107.09		\$0.483

All rates and taxes imposed and levied in the year 2009 shall be deemed to have been imposed and due and payable on September 30, 2009. Discounts will be allowed on all 2009 taxes paid before September 1, 2009 at the following rates:

On all current taxes paid from January 1 to June 30 a discount of 1.26%; during the month of July, a discount of .84%; during the month of August, a discount of .42%; and during the month of September the taxes shall be payable at par.

Penalties will be added at the rate of 1.25% per month, on all arrears of taxes, and commencing October 1, 2009 on 2009 taxes until the taxes are paid or the municipality sells the land liable therefore at Tax Sale;

BE READ THE FIRST TIME.

Carried.

131/09 Council Meeting – April 14, 2009

R. Morse: B. Rex: WHEREAS the regular meeting of Council on April 14, 2009 is scheduled at 9:00 a.m.;

THEREFORE, BE IT RESOLVED: THAT the regular meeting of Council on April 14, 2009 be rescheduled to commence at 7:00 a.m.

Carried.

132/09 Power Smart Lighting Program – Lighting Update

B. Rex: R. Morse: BE IT RESOLVED: THAT the purchase of lighting upgrades from QMS Ltd. BE APPROVED at a cost of \$13,475.00 plus taxes.

Carried.

133/09 By-Law No. 9/09 – Amending By-Law No. 40/90: Municipal Water & Sewer System

G. Lavallee: R. Rex: WHEREAS the Council of the Rural Municipality of Macdonald deems it necessary to amend the standards for the number and kinds of pipes, fixtures and appliances that may be connected to municipal water and sewer systems provided under By-Law No. 40/90;

THEREFORE, BE IT RESOLVED: THAT By-Law No. 9/09 to amend Schedule "A" of By-Law No. 40/90 to regulate the type of pumps and valves for septic tanks.

BE READ THE FIRST TIME.

Carried.

134/09 Request for Information – Building Blue Prints

R. Kirouac: C. Bisson: WHEREAS Section 263(2) of the Municipal Act provides that Council may authorize access to other records not provided for in Section 263(1) of the Act;

AND WHEREAS a request for certain information in regards to Building Permit No. 26/96 has been received;

THEREFORE, BE IT RESOLVED: THAT the Chief Administrative Officer be authorized to provide to the owners of 2-14-21340 access to copies of the building blue prints.

Carried.

135/09 By-Law No. 5/09 – Brady Road Drain Improvement Debenture

R. Kirouac: C. Bisson: WHEREAS By-Law No. 26/06 provides for the financing in the amount of \$126,200.00 for the Brady Road Drain Improvement Project;

THEREFORE, BE IT RESOLVED: THAT By-Law No. 5/09:

1. to amend By-Law No. 26/06 to provide that debentures be issued there under in the amount of \$31,692.42; and
2. to cancel the balance of authorized borrowing of \$94,507.58.

BE READ THE SECOND TIME.

Carried.

136/09

G. Lavallee: B. Erb: BE IT RESOLVED: THAT By-Law No. 5/09 BE READ THE THIRD TIME and finally passed and that the Reeve and Chief Administrative Officer be hereby authorized to sign the by-law on behalf of the Council of the Rural Municipality of Macdonald.

Under the requirements of Section 137 of the Municipal Act a record of the voting on the third reading of a by-law must be shown in the minutes.

Vote: 8 — FOR R. Burns, D. Dobrowolski, G. Lavallee, B. Rex
R. Kirouac, R. Morse, C. Bisson, B. Erb

0 — AGAINST

Carried.

137/09 Water System Disinfection By-Product Study

B. Erb: C. Bisson: BE IT RESOLVED: THAT the signing officers on behalf of the Rural Municipality of Macdonald be authorized to sign the Manitoba Water Services Board offer dated March 17, 2009 respecting a Water System Disinfection By-Product Study.

Carried.

138/09 MTS Plan Approval – Revision to Upgrading Service, La Salle

R. Morse: B. Rex: WHEREAS MTS plan number 9735095-08 was approved by the Council of the R. M. of Macdonald at its meeting of August 12, 2008 and revised by plan no. 9741780-09;

THEREFORE, BE IT RESOLVED: THAT MTS Communications Inc. Plan No. 9741780-09 - AMM Permit Rev. dated 03/06/09 BE APPROVED to revise sheet 2 of 3 of Plan No. 9735095-08 for improvements north of the La Salle River subject to the following conditions:

1. Minimum 48 hours notice prior to construction for locating of municipal services prior to construction including repair of any damages and payment of related compensation;
2. The tunneling of all services across municipal road allowances;
3. All cable shall be a minimum of one metre below the ditch;

4. Commencing from a date five years from the date of this approval and subject to the provision of a minimum of six months notice, the municipality will not be financially responsible for relocating any facilities of MTS Communications Inc. if this becomes necessary for municipal planning or other reasons; and
5. Subject to cable locates provided by MTS Communications Inc. the municipality is not liable for any damages, economic loss, legal costs or physical restoration;

AND THAT the Chief Administrative Officer be authorized to sign the plan of the proposed installation on behalf of the Rural Municipality of Macdonald.

Carried.

139/09 By-Law No. 1/09 – Recreation District

B. Rex: G. Lavallee: BE IT RESOLVED: THAT By-Law No. 1/09 under the provision of Section 250 of The Municipal Act be enacted to establish a Recreation District to set out the duties and responsibilities of the Commission and to repeal By-Law No. 05/03;

Under the requirements of Section 137 of the Municipal Act a record of the voting on the third reading of a by-law must be shown in the minutes.

Vote: 8 — FOR R. Burns, D. Dobrowolski, G. Lavallee, B. Rex
R. Kirouac, R. Morse, C. Bisson, B. Erb

0 — AGAINST

Carried.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to report on the placement of signs for the 'no truck routes' that commence on Mar. 25th; snow and ice removal from ditches; the list of equipment proposed for sale; the gravelling of sites damaged by the drift soil event in 2008; purchase of a used truck tractor; and the pending retirement of one of the public works employees.

Royal Canadian Mounted Police

Sgt. Denis Jolicoeur, Detachment Commander, Headingley Detachment, RCMP, attended the meeting to provide information on their detailed crime and traffic monthly report for the period July to December 2008.

Cormier, SE 34-8-2E

Ray Cormier attended the meeting to provide information on a proposed two lot subdivision on part of the SE¹/₄ 34-8-2E.

140/09 Meeting Recess

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT the meeting of Council be hereby recessed for the purpose of holding a Public Hearing in the matter of:

5:00 p.m. – Variation No. 8/09 – Jeffrey Shypit (Norman Baril),
12-3-1528, Sanford

5:15 p.m. – Conditional Use 9/09 – Mulder Construction (Bob Morse),
NE 29-9-1W

AND to reconvene at the conclusion of the Public Hearing.

Carried.

141/09 Variation No. 8/09 – Jeffrey M. Shypit (N. Baril), 12-3-1528, Sanford

B. Rex: G. Lavallee: WHEREAS the "RG" Residential General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that the minimum interior side yard for the main building is 15 feet;

AND WHEREAS Variation No. 32/01 was approved by Council at its meeting of July 10, 2001 to allow a north-westerly side yard of 5 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 8/09 of Jeffrey M. Shypit (Norm Baril – property owner) affecting

Lot 12 Block 3 Plan 1528 (20 Wheatland Street) Sanford

BE APPROVED to allow a north-westerly and south-easterly side yard of 4.5 and 9.6 feet respectively.

Carried.

142/09 By-Law No. 11/09 – Right-of-Way Agreement, 4713096 Manitoba Ltd.

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT By-Law No. 11/09 be enacted to authorize the Council of the Rural Municipality of Macdonald to enter into a Right-of-Way Agreement with 4713096 Manitoba Ltd. respecting a right-of-way easement on part of Lots 1 & 2 Block 2 Plan and Lots 24 & 25 Block 1 Plan in SW¼ 29-8-1E;

BE READ THE FIRST TIME

Carried.

143/09 By-Law No. 12/09 – Development Agreement – 4212151 Manitoba Ltd., Pcls. 5 & 6 Plan 7582, Brunkild

C. Bisson: B. Erb: BE IT RESOLVED: THAT By-Law No. 12/09 authorizing the entering into of a Development Agreement with 4212151 Manitoba Ltd. respecting the development of land in part of Parcels 5 and 6 Plan 7582 in part NE¼ 19-7-1W;

BE READ THE FIRST TIME.

Carried.

144/09 Minutes of Settlement – MRPD/RM of Macdonald & 4212151 Manitoba Ltd.

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT the signing officers, on behalf of the Rural Municipality of Macdonald, be authorized to sign the Minutes of Settlement between Macdonald-Ritchot Planning District Board/R. M. of Macdonald and 4212151 Manitoba Ltd., articulating the terms of settlement by the parties in the presence of their counsel and in the presence of The Honourable Mr. Justice Martin of the Court of Queen's Bench on Tuesday, March 24, 2009.

Carried.

145/09 Declaration of an Emergency Prevention Order

R. Kirouac: B. Erb: WHEREAS the Rural Municipality of Macdonald is encountering potential serious flooding, that requires prompt action in order to mitigate the threat before conditions worsen and an emergency occurs; and

WHEREAS this threat, if unaddressed, may threaten the life, property or environment of the people located in the Rural Municipality of Macdonald; and

WHEREAS it is deemed necessary to take action as required (which may include limit access or close roads, evacuate people and/or livestock, and access property without warrant) in order to limit or eliminate the threat to life, property or the environment;

THEREFORE, BE IT RESOLVED: THAT pursuant to Section 8.2(1) of The Emergency Measures Act, Chapter E.80 of the Continuing Consolidation of the Statutes Manitoba, the Council of the Rural Municipality of Macdonald pass an Emergency Prevention Order to mitigate flood water and related damage in the municipality by taking action as required (which may include limit road access, close roads, evacuate people and/or livestock, and access property without warrant) in order to limit or eliminate the threat to life, property or the environment, from this 27th of March, 2009 to 27th of April, 2009.

Carried.

146/09 Olympic Torch Relay

B. Erb: R. Kirouac: BE IT RESOLVED: THAT Reeve R. Burns and Councillor C. Bisson be authorized to attend the Olympic Torch Relay Route meeting, April 21, 2009 in Carman;

AND THAT expenses be paid.

Carried.

147/09 Reports

B. Erb: C. Bisson: BE IT RESOLVED: THAT the following reports be received as information:

- a) Report of the Public Works Manager, Mar. 19/09
- b) Minutes of the Association of Rural Municipalities – Capital Region meeting, Mar. 5/09

Carried.

148/09 Correspondence

D. Dobrowolski: G. Lavallee: BE IT RESOLVED: THAT the following correspondence be received as information:

- a) T. Evers, Statistics Canada, Small Business and Special Surveys Division, Feb. 6/09 – Unveiling of a new data warehouse
- b) R. Waite, Senior Vice-President, Corporate Social Responsibility, Canada Post – 2009 Canada Post Community Literacy Awards
- c) J. McAulay, Commercial Account Manager, Royal Bank, Mar. 2/09 – New product that RBC Insurance is offering
- d) Fax from the Frontier, Mar. 6/09 – *Thinking Before Spending Is Not “Ideology”*
- e) Federation of Canadian Municipalities, Mar. 7/09 – Encouraging reduced bottle water use at municipal facilities
- f) B. Winnicky, Sponsorship Committee, Manitoba Farm Women’s Conference, Mar. 9/09 – Sponsorship Opportunity for the 23rd Annual Manitoba Farm Women’s Conference, Nov. 1-3/09
- g) W. D. Kufflick, Vice President & General Manager, Inland, Mar/09 – Inland Pipe Limited amalgamation
- h) Copy of letter to G. Peters, Fillmore Riley, c/o 5498750 Manitoba Ltd. from P. Knight, A/Assistant Secretary, Manitoba Highway Traffic Board, Mar. 10/09 – Violation – Highways Protection Act, Permit No. 116-08
- i) S. Power, Director, Manitoba Education, Citizenship and Youth, Schools’ Finance Branch, Mar. 9/09 – Education Support Levy on Pipeline Property
- j) S. Grenier, Manager, ACT, Federation of Canadian Municipalities, Mar. 12/09 – Affordability and Choice Today (ACT) Grants: application deadline Apr. 24/09
- k) A. Kolesar, Acting Provincial Coordinator, New Public Health Programs, Manitoba Health & Healthy Living, Mar. 13/09 – 2009 West Nile Virus Planning/Cost-Shared Funding for Larviciding
- l) M. Nott, Q Collaborations Inc., Mar. 16/09 – *Flood of the ???? are you Ready?*
- m) Manitoba Water Stewardship, Mar. 16/09 – Updated Spring Flood Outlook for Red River in Manitoba
- n) Manitoba Pork Council, Winter 2009 – Horizons
- o) Association of Manitoba Municipalities & HED Insurance and Risk Services – Loss Prevention Bulletin
- p) I. A. Hamilton, Manitoba Ombudsman, Mar. 9/09 – Handbook on Fairness for Manitoba Municipal Leaders: *Understanding Fairness*
- q) P. Chiappetta, A/Executive Director, Manitoba Seniors and Healthy Aging Secretariat, Mar. 11/09 – Age-Friendly Manitoba Initiative assistance
- r) Copy of letter to M. Taillieu, MLA for Morris, from R. Lemieux, Minister of Infrastructure and Transportation, Mar. 13/09 – Updates on upgrading of PTH No. 2

- s) K. McPhail, CEO, Regional Health Authority Central Manitoba Inc., Mar. 13/09 – EMS services within our municipality
- t) A. Elias, Hayhurst Elias Dudek Inc. (HED), Mar. 16/09 – Municipal General Insurance Program
- u) MTS Allstream, Mar. 18/09 – Mindshift: Vision: Focus: Momentum
- v) Copy of letter to Hon. S. Struthers, Minister of Conservation & Hon S. Ashton, Minister of Intergovernmental Affairs from H. Stefanson, PC Water Stewardship Critic & S. Briese, PC Intergovernmental Affairs Critic, Feb. 25/09 – Proposed Amendments to the *Onsite Wastewater Management Systems Regulation*
- w) D. Belbin, Events Coordinator, Association of Manitoba Municipalities, Mar. 9/09 – Education Seminar: *The 'Ethical' Moment & Effective Self Management*, April 17/09, Brandon
- x) K. Kynoch, Chair, Manitoba Pork, Mar. 4/09 – Annual General Meeting and Banquet, Apr. 7/09, Winnipeg
- y) Copy of letter to D. Shaw, Maple Leaf Construction, from B. Power, CET, Geotechnical Technologist & T. Gluck, P.Eng., Manager, Technical Services/Staff Geotechnical Engineer, AMEC Earth & Environmental, Mar. 9/09 – Street Coring Program, Various Subdivisions, La Salle
- z) D. J. Unruh, Executive Consultant, Partnership of the Manitoba Capital Region, Mar. 16/09 – March 2009 Updates
- aa) L. Christianson, Urban Forest Surveys Supervisor, Manitoba Conservation, Mar. 18/09 – Gypsy Moth Control Plan, Open houses
- bb) D. Presley, Project Manager, Lehman & Associates, Mar. 2/09 – Development Near TransCanada PipeLines Limited
- cc) Copy of letter to D. Smiley, OWMS Program Coordinator, from K. Bisson, B.Sc., P.Ag., Mar. 12/09 – *Onsite Wastewater Management System Regulation*, MR83/2003
- dd) Association of Manitoba Municipalities, Mar. 13/09 – News Bulletin
- ee) R. Bouvier, A/CAO, R. M. of Cartier – Notice of Public Hearing, Apr. 6/09 – Starlite Colony Farms Ltd. temporary land use change for an abattoir, SE 4-10-2W
- ff) Manitoba Voyageur, Spring 2009
- gg) Municipal Finance & Advisory Services, Manitoba Intergovernmental Affairs, Mar. 10/09 – General Municipal Election, Oct. 27/10: Important Pre-Election Reminder, review of ward boundaries
- hh) J. H. Holland, President/Ops. Mgr., Secures, Mar. 2/09 – Introduction of services available
- ii) Invitation to Post Budget Meeting with Hon. G. Selinger, Minister of Finance, Mar. 26/09, Brandon
- jj) Invitation to Breakfast with H. McFadyen, Leader, PC Manitoba, Mar. 25/09, Morris
- kk) Floodway Public Liaison Committee Meeting #8, Apr. 2/09 - Draft meeting Agenda
- ll) Harris Consulting, Mar. 18/09 – Solutions for Turbulent Times
- mm) L. Dupont, Administrative Assistant, Red River College, Mar. 23/09 – Sustainable Infrastructure MB Group Special Energy meeting, Mar. 31/09
- nn) Manitoba Water Stewardship, Mar. 20/09 – Updated Spring Flood Outlook for Red River in Manitoba
- oo) Manitoba Water Stewardship, Mar. 23/09 – Updated Spring Flood Outlook for Red River in Manitoba including plans for potential ring dike closures

Carried.

Conflict of Interest - Morse

Under the requirements of Section 5(1) of "The Municipal Council Conflict of Interest Act", Councillor R. Morse disclosed that he had a direct pecuniary interest in the matter to be considered by Council. Councillor Morse withdrew from the Council Chambers without further participation in the matter under consideration.

149/09 Conditional Use No. 9/09 – Mulder Construction & Materials Ltd., (R. Morse), NE 29-9-1W

B. Erb: R. Kirouac: WHEREAS the “AG” Agriculture General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that a Contractor’s Yard and Shop may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 9/09 of Mulder Construction & Materials Ltd., (Robert Morse. – property owner) affecting

NE 29-9-1WPM except Firstly: Nly 1320 perpendicular

BE APPROVED to allow the establishment of a temporary Contractor’s Yard for the purposes of operating a self-contained asphalt batching plant and the storage of aggregate for highway pavement subject to the following conditions:

1. Operation of the self-contained asphalt plant is limited to daylight hours on Monday to Saturday;
2. Maintenance and repairs to municipal Road 4W from PTH No. 2 north to the point of access to the operating site subject to the preparation of a road haul agreement;
3. The application of dust control on municipal Road 4W from PTH No. 2 north to the point of access to the operating site; and
4. The self-contained asphalt plant is to be removed by October 2010 or prior if the work on PTH #2 has been completed.

Carried.

150/09 Adjourn

B. Erb: C. Bisson: BE IT RESOLVED: THAT this meeting adjourn. Time: 8:15 p.m.

Carried.

THE RURAL MUNICIPALITY OF MACDONALD

Reeve

Chief Administrative Officer

SUBJECT TO APPROVAL

--- APPENDIX 1 ---

**RURAL MUNICIPALITY OF MACDONALD
PUBLIC HEARING**

MARCH 24, 2009

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, March 24, 2009 in regards to:

- 5:00 p.m. – Variation No. 8/09 – Normal Baril, 12-3-1528, Sanford
- 5:15 p.m. – Conditional Use 9/09 – Mulder Construction, NE 29-9-1W

Attendance:

Reeve R. Burns and Councillors D. Dobrowolski, G. Lavallee, B. Rex, R. Kirouac, R. Morse, C. Bisson, B. Erb and W. Tom Raine, Chief Administrative Officer.

Notice of hearing was given in accordance with the requirements of the Planning Act for all matters under consideration at this hearing.

Variation No. 8/09 – Jeffrey Shypit (Norman Baril), 12-3-1528, Sanford

No persons attended in regards to Variation No. 8/09 to vary the minimum side yard requirement of 15 feet to a north-westerly and south-easterly side yard of 4.5 and 9.6 feet respectively to maintain an existing single family dwelling.

Conflict of Interest - Morse

Under the requirements of Section 5(1) of "The Municipal Council Conflict of Interest Act", Councillor R. Morse disclosed that he had a direct pecuniary interest in the matter to be considered by Council. Councillor Morse withdrew from the Council Chambers without further participation in the matter under consideration.

Conditional Use No. 9/09 – Mulder Construction & Materials Ltd., NE 29-9-1W

Stan Maluk, Dereck Walker and Terry Watson with Mulder Construction & Material Ltd. attended in support of their application to locate a temporary asphalt batching plant on part of the north half of NE¼ 29-9-1W. The purpose of the application is to allow for the production of asphalt for surface improvements on PTH No. 2.