

RURAL MUNICIPALITY OF MACDONALD

Sanford Manitoba

MINUTES OF THE MEETING OF COUNCIL OF APRIL 14, 2009

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, April 14, 2009, commencing at 7:00 a.m. In attendance were: Reeve R. Burns and Councillors D. Dobrowolski, G. Lavallee, B. Rex, R. Kirouac, R. Morse, C. Bisson, B. Erb and W. T. Raine, CAO.

151/09 Agenda

D. Dobrowolski: G. Lavallee: BE IT RESOLVED: THAT the meeting agenda for April 14, 2009 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Oakview Estates, Sanford – Manitoba Hydro Plans
2. Tax Sale Agreement Policy
3. Administration Committee Report

Carried.

152/09 Minutes

C. Bisson: R. Kirouac: 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 24, 2009;

AND THAT the minutes be adopted.

Carried.

153/09 Accounts

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20090528 to 20090662 dated April 14, 2009 totalling \$474,144.77 be approved and paid.

Carried.

154/09 Special Services

G. Lavallee: D. Dobrowolski: BE IT RESOLVED: THAT travel allowances and other services and expenses allowed under By-Law No. 30/08 be paid to members of council as shown in affidavit of members.

Carried.

155/09 Financial Statements

B. Erb: C. Bisson: BE IT RESOLVED: THAT the financial statement for the month ended March 31, 2009 be received.

Carried.

156/09 2009 Manitoba MuniWare User Group Meeting

B. Rex: R. Morse: BE IT RESOLVED: THAT J. Ritchot, Clerk Accountant and N. Novak, Utility Clerk be authorized to attend the 2009 Manitoba MuniWare User Group meeting, May 5 & 6, 2009, in Winnipeg;

AND THAT expenses be paid.

Carried.

157/09 Machine Rentals

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the Road Machine Rentals for the period March 1 – March 28, 2009 be charged to the accounts and other users at the established rate:

<u>Description</u>	<u>Total Hours</u>
Road Maintenance	5.0
Disposal Site	5.0
Water Distribution	6.0
Fire Department	6.0
Water Plant	1.0
Parks & Playgrounds	5.0
Office	2.0
Snow Removal	487.0
Shop	3.0
TOTAL	520.0

Carried.

158/09 Subdivision Application – L. & P. Manness, NW 30-7-2E

D. Dobrowolski: G. Lavallee: WHEREAS Laverne & Patricia Manness have made application to Community Planning Services for a subdivision on pt NW 30-7-2E;

AND WHEREAS the requirements of the “AR” Agricultural Restricted Zone of the Rural Municipality of Macdonald Zoning By-Law as amended provides for a minimum site area of 80 acres and a minimum site width of 660 feet;

THEREFORE, BE IT RESOLVED: THAT Subdivision Application No. 4146-08-5096 affecting

NW 30-7-2E

BE APPROVED subject to the following conditions:

1. Approval of variation orders for the proposed parcel and residual parcel;
2. The applicant will be responsible for all municipal survey costs associated with the Survey Monument Restoration Program;
3. Confirmation from Manitoba Conservation that the sewage disposal system meets the requirements of Manitoba Regulation 82/2003 *Onsite Wastewater Management Systems*; and
4. Payment of the Capital Levy under By-Law No. 3/04.

Carried.

159/09 By-Law No. 21/08 – ROW Easement Agreement, 5210780 Manitoba Ltd.

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT By-Law No. 21/08 be enacted to authorize the Council of the Rural Municipality of Macdonald to enter into an easement agreement with 5210780 Manitoba Ltd. respecting the placing of a right-of-way under (or near)

part of the NW ¼ 29-8-1EPM;

BE READ THE SECOND TIME.

Carried.

160/09

B. Rex: R. Morse: BE IT RESOLVED: THAT By-Law No. 21/08 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.

161/09 By-Law No. 11/09 – Right-of-Way Agreement, 4713096 Manitoba Ltd.

B. Rex: R. Morse: 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 SECOND TIME.

Carried.

162/09

R. Morse: D. Dobrowolski: BE IT RESOLVED: THAT By-Law No. 11/09 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.

163/09 By-Law No. 12/09 – Development Agreement – 4212151 Manitoba Ltd., Pcls. 5 & 6 Plan 7582, Brunkild

C. Bisson: R. Kirouac: 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 SECOND TIME.

Carried.

164/09

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT By-Law No. 12/09 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.

165/09 By-Law No. 9/09 – Amending By-Law No. 40/90: Municipal Water & Sewer System

R. Morse: G. Lavallee: 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 SECOND TIME.

Carried.

166/09

B. Rex: R. Kirouac: BE IT RESOLVED: THAT By-Law No. 9/09 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.

167/09 Request for Information – Building Blue Prints

G. Lavallee: D. Dobrowolski: 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. 82/95 has been received;

THEREFORE, BE IT RESOLVED: THAT the Chief Administrative Officer be authorized to provide a copy of the building blue prints to the owners of lot 2-21752.

Carried.

168/09 Disaster Financial Assistance – 2009 Spring Flood

R. Kirouac: B. Erb: WHEREAS the Province of Manitoba Disaster Financial Assistance policies defines a disaster as a calamity, however caused, which has resulted in or may result in wide-spread damage to property;

AND WHEREAS the program is to assist local authorities financially when the eligible costs incurred resulting from a disaster exceed the amount which any one local authority may reasonably be expected to bear on its own;

AND WHEREAS overland flooding has resulted in additional costs and damage to both public and private property throughout the municipality;

THEREFORE, BE IT RESOLVED: THAT Emergency Measures Organization be requested to provide Disaster Financial Assistance for private and/or public damages resulting from the overland and river flooding event during the spring runoff of 2009.

Carried.

169/09 78th Manitoba Municipal Administrators' Association Annual Conference

B. Erb: C. Bisson: BE IT RESOLVED: THAT W. T. Raine, CAO be authorized to attend the 78th Manitoba Municipal Administrators' Association Annual Conference, April 26 - 28, 2009 in Brandon;

AND THAT expenses be paid.

Carried.

170/09 Building Permit Application – NW 23-9-2E

G. Lavallee: B. Erb: WHEREAS a building permit for the construction of 40' x 80' agricultural building on part NW 23-9-2E was approved by the Council of the Rural Municipality of Macdonald at its meeting of March 10, 2009;

AND WHEREAS the applicant has requested an amendment to the building permit to construct a 48' x 120' agricultural building;

THEREFORE, BE IT RESOLVED: THAT the building permit application for Govind Thawani for a 48' X 120' agricultural building on part NW 23-9-2E BE APPROVED.

Under the provisions of Section 11.5 of By-Law No. 33/06 a member of council requested a recorded vote be taken.

FOR: R. Burns, G. Lavallee, B. Rex, C. Bisson, B. Erb

AGAINST: D. Dobrowolski: R. Kirouac, R. Morse

Carried.

171/09 Manitoba Hydro Plan, Oakview Estates, Sanford

B. Rex: R. Morse: BE IT RESOLVED: THAT Manitoba Hydro Plan #1-04703-DE-50000-0282 for the underground placement of electrical conductors and pad mounted equipment on part 29-8-1E, Sanford BE APPROVED subject to the following conditions:

1. Minimum 48 hours notice prior to construction;
2. Locating of municipal services prior to construction including repair of any damages and payment of related compensation;
3. The tunneling of all services across municipal road allowances;
4. All cable shall be a minimum of one metre below the ditch;
5. The restoration of all roads and drainage ditches including topsoil and reseeded to the satisfaction of the municipality;
6. The municipality will not be financially responsible for relocating any facilities of Manitoba Hydro if this becomes necessary for municipal planning or other reasons; and
7. 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 said Plan on behalf of the Rural Municipality of Macdonald.

Carried.

172/09 Tax Sale Agreements – Policy & Agreement Template

B. Erb: R. Kirouac: BE IT RESOLVED: THAT the Chief Administrative Officer is authorized to enter into a Tax Sale Arrears Payment Agreement with a property owner that owns property subject to tax sale and whom has requested an agreement subject to the following conditions:

1. The property owner requesting the agreement has never defaulted on any previous Tax Sale Arrears Payment Agreement within the past 10 years from the date of the request;
2. The agreement uses the template agreement generally as shown in Appendix A of the Council Memo date April 13, 2009;
3. All debts associated with the Tax Sale must be eliminated on or before November 15, of the year of the agreement; and
4. A maximum of 2 consecutive agreements for a property owner and/or property.

AND THAT any request for a Tax Sale Arrears Payment Agreement not complying with the conditions noted above is referred to Council for approval;

AND FURTHER THAT, at the discretion of the Chief Administrative Officer, any request for a Tax Sale Arrears Payment Agreement can be referred to Council for advice.

Carried.

173/09 Meeting Recess

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

9:00 a.m. – Conditional Use No. 10/09 - Zirino's Auto Truck and Trailer Service,
Lots 2 & 6 Plan 6867

AND to reconvene at the conclusion of the Public Hearing.

Carried.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to report on flooding locations in the municipality; the number of frozen culverts that required steaming; dust

control prices for 2009; the results of inspections done on the pedestrian bridge in La Salle; the delivery of new vehicles; and the retirement of D. Shirliff.

**174/09 Conditional Use No. 10/09
– Zirino’s Auto Truck & Trailer Service, Lot 2 & 6 Plan 6867**

B. Erb: R. Kirouac: WHEREAS the “ML” Industrial Light Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that Equipment Rental & Sales”, “Automobile Service Station” and “Maintenance Yard & Garage” may be considered as conditional uses;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 10/09 of Zirino’s Auto Truck and Trailer Service (661843 Alberta Ltd. – property owner) affecting

Lots 2 & 6, Plan 6867 (3165 McGillivray Blvd)

BE APPROVED to develop this site into a multiple business operation for Truck & Trailer servicing, U-haul Rentals and a Maintenance Yard & Garage subject to the following conditions:

1. A Performance Deposit of \$10,000;
2. The placement of a chain link fence across the front of the entire property; and
3. Completion of a development agreement to be registered by caveat under the provisions of Section 151 of the Planning Act.

Carried.

175/09 Reports

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the following reports be received as information:

- a) Report of the Committee of Council Meeting, Mar. 31/09
- b) Report of the Oak Bluff & Area Subdivision Committee meeting, Mar. 25/09
- c) Report of the Public Works Manager, Apr. 9/09
- d) Minutes of the Macdonald-Ritchot Planning District meeting, Mar. 23/09
- e) Minutes of the Macdonald Weed Control District meeting, Mar. 26/09
- f) Report of the R.M. of Macdonald Annual Water System Operation Report – 2008
- g) Report of Building Permits to March 31, 2009

Carried.

176/09 Correspondence

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT the following correspondence be received as information:

- a) GENIVAR – Invitation to Client Reception, Apr. 22/09
- b) C. Bulhoes, CA, Federation of Canadian Municipalities, Feb. 19/09 – Election of FCM's National Board of Directors
- c) Manitoba Ombudsnew, Winter 2009
- d) S. Checkowski, Administrator, La Salle Redboine Conservation District, Mar. 16/09 - 2009-2010 Levy amount
- e) C. Winthrop, President, Onsite Wastewater Systems Installers of Manitoba Inc., Mar. 16/09 – Letter of introduction
- f) S. Struthers, Minister of Conservation, Mar/09 – Environmental Youth Corps Funding Program 2009/2010
- g) Manitoba Centre for Health Policy, Mar/09 – “The Cost of Hospitalizations in Manitoba”
- h) B. Nowosad, Chairperson, Manitoba Crime Stoppers, Mar. 23/09 – Donations
- i) C. Caruk-Ganczer, Chairperson, Capturing Opportunities 2009 – Invite to Manitoba’s Premier Rural Business and Community Conference, Apr. 34-24/09, Brandon
- j) J. Clarke, Fish Habitat Biologist, Prairies Area, Winnipeg Office, Fisheries & Oceans, Mar. 23/09 – New Wastewater Treatment Lagoon, Oak Bluff

- k) P. Kaluzny, Senior Systems Analyst, Investors Group, Information Services, Mar. 23/09 – Snow issue
- l) P. Bertrand, Municipal Human Resources Inc. – 2009 Canadian Municipal Employees and Elected Officials Remuneration and Benefits Survey
- m) G. Dyck, Acquisition Officer, Manitoba Infrastructure and Transportation, Crown Lands & Property Agency, Land Acquisition Branch, Mar. 24/09 – Expropriation of land for Floodway West Dyke Project, NE 21-7-2E
- n) J. H. Dixon, Monk Goodwin LLP, Mar. 26/09 – Samborski Garden Supplies Ltd.
- o) K. Wingate, Director of Operations, R.M. of West St. Paul – Search for Steamers with Crews
- p) Association of Manitoba Municipalities, Mar. 26/09 – Member Advisory: Provincial Budget 2009 – Municipal Highlights
- q) Regional Health Authority – Central Manitoba Inc, Mar. 27/09 – Information Bulletin
- r) D. Zinkiew, General Manager, TAXervice, Mar. 27/09 – Tax Sale – Agreement for Payment of Tax Arrears
- s) S. Ashton, Minister of Intergovernmental Affairs, Mar. 27/09 – Review and redrafting of the Provincial Land Use Policies
- t) J. Masi, Executive Director, Association of Manitoba Municipalities, Mar. 30/09 – Cancellation of the Mayors, Reeves and CAOs Central District meeting
- u) Manitoba Product Stewardship Corporation, April 2009 bulletin
- v) Association of Manitoba Municipalities, Mar. 30/09 – News Bulletin
- w) S. Zilkie, Community Futures Triple R Corporation, Mar. 30/09 – April 2009 Video Seminars
- x) Prairie By-Law Enforcement Services – March 31/09 Report, No Truck Routes
- y) S. Ashton, Minister of Intergovernmental Affairs, Mar. 31/09 – 2009 General Assistance Grant – Building Manitoba Fund
- z) S. Ashton, Minister of Intergovernmental Affairs, Mar. 31/09 – Video Lottery Terminal (VLT) Revenue Distribution
- aa) S. Enns, Enns Brothers, Apr. 1/09 – Enns Brothers Wind Turbine project
- bb) R. L. Spencer, Director of Recovery, Manitoba Intergovernmental Affairs, Emergency Measures Organization, Mar. 27/09 – 2008 May Drainage Restoration Claim
- cc) G. Peterson, Manager Forest Health & Renewal, Manitoba Conservation, Mar/09 – Gypsy Moths: Open House, Apr. 14/09, La Salle
- dd) WCB Update, April 2009
- ee) DTZ Barnicke & MMI Commercial Management Ltd., Apr. 2/09 – Notice of moving
- ff) B. Webb, P.Eng., Water Development & Control Assessment Officer, Environmental Assessment & Licensing Branch, Manitoba Conservation, Apr. 3/09 – Oak Bluff Wastewater Treatment Lagoon
- gg) B. McIntyre, CGA, Controller, OMEX Agriculture Inc., Mar. 30/09 – Non-Compliance with site plan, 1-1-36922
- hh) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, Apr. 6/09 – Proposed Subdivision application, V. Watermulder, Parcel A Plan 12087, NE 30-8-1E
- ii) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, Apr. 6/09 – Proposed Subdivision application, E. Karlowsky, S½ SW 29-7-1W
- jj) Copy of email to S. Topping, Manitoba Water Services, from F. May, CAO, RM of Ritchot, Apr. 7/09 – Floodway Operation
- kk) D. Prud'Homme, Prairie By-Law Enforcement Ltd. – Animal Control Report, March 2009
- ll) C. Hoepfner, MP for Portage-Lisgar, Apr. 3/09 – Media Release: Gas Tax Transfer
- mm) Manitoba Infrastructure & Transportation, Apr. 8/09 – King Drain Bridge update
- nn) R. Hay, P.Eng., Manager, Floodway Channel, Manitoba Floodway Authority, Mar. 24/09 – Bolen/Parker/King Drain portion of Floodway Dyke
- oo) G. R. Oughton, Apr. 8/09 – Manitoba Homecoming Celebration Host – La Salle

- pp) Manitoba Water Stewardship – Flood Media Bulletin, Apr. 8/09
- qq) K. Kaminsky, Brunkild Memorial Recreation Centre, Apr. 9/09 – Water leak at the Brunkild Memorial Recreation Centre

Carried.

177/09 Adjourn

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT this meeting adjourn. Time: 11:35 a.m.

Carried.

THE RURAL MUNICIPALITY OF MACDONALD

Reeve

Chief Administrative Officer

SUBJECT TO APPROVAL

--- APPENDIX 1 ---

RURAL MUNICIPALITY OF MACDONALD
PUBLIC HEARING
April 14, 2009

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, April 14, 2009 in regards to:

9:00 a.m. - Conditional Use 10/09 – Zirino's Auto Truck & Trailer Service
Lots 2 & 6, Plan 6867, 3165 McGillivray Blvd.

Attendance:

Reeve R. Burns and Councillors D. Dobrowolski, G. Lavalley, 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.

Conditional Use No. 10/09 – Zirino's Auto Truck & Trailer Service, Lots 2 & 6-6867

Joe Zirino and Joe Leuzzi with Zirino's Auto Truck & Trailer Service attended in support of their application to locate their existing business at 3165 McGillivray Blvd. They offer truck and trailer servicing, U-haul rentals and general automotive maintenance. It is their intention to lease the existing building on the site to operate their business.

SUBJECT TO APPROVAL