

RURAL MUNICIPALITY OF MACDONALD

Sanford Manitoba

MINUTES OF THE MEETING OF COUNCIL OF MAY 12, 2009

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, May 12, 2009, commencing at 7:00 a.m. In attendance were: Reeve R. Burns and Councillors D. Dobrowolski, B. Rex, R. Kirouac, C. Bisson, B. Erb and W. T. Raine, CAO.

195/09 Agenda

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the meeting agenda for May 12, 2009 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Water Connection Rates
2. Domain Sewer
3. Sidewalk – Rue Principal, La Salle

Carried.

196/09 Minutes

D. Dobrowolski: B. Rex: 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 April 28, 2009;

AND THAT the minutes be adopted.

Carried.

197/09 Accounts

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20090730 to 20090830 dated May 12, 2009 totalling \$239,345.78 be approved and paid.

Carried.

198/09 Special Services

C. Bisson: R. Kirouac: 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.

199/09 Financial Statements

B. Erb: C. Bisson: BE IT RESOLVED: THAT the financial statement for the month ended April 30, 2009 be received.

Carried.

200/09 R. M. of Rhineland – 125th Anniversary Celebrations

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT Reeve R. Burns be authorized to attend the 125th Anniversary Celebrations for the Rural Municipality of Rhineland, June 13, 2009 in Altona;

AND THAT expenses be paid.

Carried.

201/09 Partnership of the Manitoba Capital Region – All Council’s Seminar

D. Dobrowolski: B. Rex: BE IT RESOLVED: THAT all of Council, T. Raine, CAO and G. Gusdal, Asst. CAO/Mgr of Admin. be authorized to attend the Partnership of the Manitoba Capital Region - All Council’s Seminar on May 21, 2009 in Headingley; AND THAT expenses be paid.

Carried.

202/09 By-Law No. 13/09 – Amending Designation & Payment of the Public Works Employees

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT By-Law No. 13/09 to amend By-Law No. 28/08 for the Designation and Payment of the Public Works Employees; BE READ THE SECOND TIME.

Carried.

203/09

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT By-Law No. 13/09 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: 6 — FOR R. Burns, D. Dobrowolski, B. Rex
R. Kirouac, C. Bisson, B. Erb
0 — AGAINST

Carried.

204/09 Machine Rentals

C. Bisson: B. Erb: BE IT RESOLVED: THAT the Road Machine Rentals for the period March 29 – April 25, 2009 be charged to the accounts and other users at the established rate:

<u>Description</u>	<u>Total Hours</u>
Road Maintenance	216.0
Disposal Site	11.0
Snow Removal	203.0
EMO/Flood	123.5
TOTAL	553.5

Carried.

205/09 Curb-Side Recycling Services

C. Bisson: B. Erb: WHEREAS the municipality entered into an agreement with N-49 Brokerage & Belake Ltd. dated December 4, 2007 to provide a weekly curb-side recycling pick up service for a period of three years;

AND WHEREAS Section 8 and 9 provides that the monthly rate for recycling services will be adjusted for changes in the number of single family dwellings in the municipality and for any changes in the support payments from the Manitoba Product Stewardship Program;

THEREFORE, BE IT RESOLVED: THAT the monthly recycling fee paid to N-49 Brokerage & Belake Ltd. be increased by \$55.80 for the increase in single family dwellings effective January 1, 2009 and by \$131.00 for the decrease in the support payments from the Manitoba Product Stewardship Program effective April 1, 2009.

Carried.

206/09 By-Law No. 14/09 – Development Agreement – 661843 Alberta Ltd. and, Zirino’s Auto Truck and Trailer Service Corporation, Pcls 2 & 6 Plan 6867 and pt 2 & 11-10-2E

B. Erb: C. Bisson: BE IT RESOLVED: THAT By-Law No. 14/09 authorizing the entering into of a Development Agreement with 661843 Alberta Ltd. and Zirino’s Auto Truck and Trailer Service Corporation respecting the development of land in part of Parcels 2 & 6 Plan 6867 and portion of Government Road Allowance (closed) lying between in part 2 & 11-10-2E;

BE READ THE SECOND TIME.

Carried.

207/09

R. Kirouac: B. Erb: BE IT RESOLVED: THAT By-Law No. 2/09 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: 6 — FOR R. Burns, D. Dobrowolski, B. Rex
R. Kirouac, C. Bisson, B. Erb

0 — AGAINST

Carried.

208/09 Building Permit – Dyck, N½ NE 34-9-1W

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the Building Permit for construction of a new principal dwelling on N½ NE¼ 34-9-1W subject to the removal of the existing principal dwelling and maintenance of the existing staff dwelling BE APPROVED.

Carried.

209/09 Liquor Control Commission – Brunkild

C. Bisson: R. Kirouac: WHEREAS the Rawleigh’s Store in Brunkild is being sold and the Manitoba Liquor Control Commission is requesting the support of the Council of the Rural Municipality of Macdonald for a liquor vendor in the community of Brunkild;

THEREFORE, BE IT RESOLVED: THAT the Rural Municipality of Macdonald hereby supports the continued presence of a licensed liquor vendor at 1 Main Street currently known as Rawleigh’s Store on Lots 1/3, Block 2 Plan 10612 in Brunkild.

Carried.

210/09 2009 Spring Flood Event DFA Program

D. Dobrowolski: B. Rex: BE IT RESOLVED: THAT Q Collaborations be engaged to facilitate the Disaster Financial Assistance Claim to the Manitoba Emergency Management Organization as part of the 2009 Spring Flood Event DFA Program.

Carried.

211/09 Rural Water Connection Rates

R. Kirouac: C. Bisson: WHEREAS the Water Connection Rates were set by Resolution No. 77/03; amended by Resolution No. 153/04; amended by Resolution No. 508/05; and amended Resolution No. 47/07;

THEREFORE, BE IT RESOLVED: THAT the Water Connection Rates be further amended as follows:

Within L.I.D. No. 1 (Starbuck), L.I.D. No. 4 (Brunkild) and L.I.D. No. 6 (Sanford/La Salle) and any subdivision serviced by the Developer:

(a)	existing house		\$	500.00
(b)	vacant lot (serviced by Developer)	5/8" meter	\$	500.00
		3/4" meter	\$	650.00
		1" meter	\$	725.00

(c) vacant lot (serviced by Municipality) 5/8" meter	\$ 1,600.00
3/4" meter	\$ 1,750.00
1" meter	\$ 1,825.00
Outside L.I.D. No. 1, L.I.D. No. 4 and L.I.D. No. 6	
(d) rural connection within project (complete to and including 5/8" meter)	\$ 10,900.00
(e) rural connection after project including 5/8" meter (terminates at the curb-stop at property line)	\$ 10,900.00
(f) base price for larger than 5/8" meter (based on Poetker formula)	
GCR 2 - 3/4" meter (x 1.41) -	\$ 15,369.00
GCR 4 - 1" meter (x 2) -	\$ 21,800.00
GCR 10 - 1 1/2" meter (x 3.16) -	\$ 34,444.00
GCR 25 - 2" meter (x 5) -	\$ 54,500.00
(g) non-resident rural connection including 5/8" meter	\$ 14,425.00
	Carried.

Kingsway Crescent – Road Surface

Gerry Jennings from 26 Medinah Drive, attended the meeting to present a petition signed by 50 individuals located on Kingsway Crescent and Medinah Drive requesting that the municipality install pavement on Kingsway Crescent from Provincial Road 247 to the intersection of Kingsway Crescent and Medinah Drive.

Mr. Jennings also updated the Council on their community application for Federal and Provincial funding towards a proposed multi-purpose community culture and recreation facility in La Salle.

Eyewitness Security – N. Manness

Norm Manness, Eyewitness Security, attended the meeting to discuss with Council his concern with interference to his wireless internet service as a result of attempts by the municipality to install a wireless communication system for the municipal sewer and water utilities.

212/09 Meeting Recess

R. Kirouac: 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:

9:30 a.m. – Variation No. 12/09 – Estate of Randal Johnson (B. Erb),
SE 31-8-2W

9:45 a.m. – Variation No. 13/09 – D. Wrixon, 1-11098

AND to reconvene at the conclusion of the Public Hearing.

Carried.

Conflict of Interest - Erb

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

213/09 Subdivision Application – Allan Randall Johnson Estate, SE 1/4 31-8-2W

D. Dobrowolski: B. Rex: WHEREAS Brad Erb, Executor of the Allan Randall Johnson Estate has made application to Community Planning Services for a subdivision SE 1/4 31-8-2W;

AND WHEREAS the requirements of the "AG" Agricultural General 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. 4146-08-5128 affecting

Part SE¼ 31-8-2W

BE APPROVED subject to the following conditions:

1. Approval of a variation order for the proposed 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 be waived.

Carried.

214/09 Variation No. 12/09 - Allan Randall Johnson Estate, SE¼ 31-8-2W

C. Bisson: R. Kirouac: WHEREAS Subdivision Application No. 4146-08-5128 of Allan Randall Johnson (Estate) was approved by the Council of the Rural Municipality of Macdonald at its meeting of today's date;

AND WHEREAS the "AG" Agricultural General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides for a minimum site area of 80 acres;

THEREFORE, BE IT RESOLVED: THAT Variation No. 12/09 affecting

The Southerly 700 feet of the E½ of Legal Subdivision One of Section 31-8-2WPM (47 016 Road 11W)

BE APPROVED to allow a site of 10.61 acres for the single lot subdivision and the residual 29.39 acres parcel will be consolidated with land in NE¼ 31-8-2W.

Carried.

Councillor Erb

B. Erb returned to the meeting.

215/09 Variation No. 13/09 – D. Wrixon, 1-11098, La Salle

R. Kirouac: B. Erb: WHEREAS the "RG" Residential General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that the minimum front yard for the main building is 30 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 13/09 of Dale Wrixon (Dale Wrixon & Donna Dignard – property owners) affecting

Lot 1 Plan 11098 (96 First Avenue) La Salle

BE APPROVED to allow a front yard setback of 4 feet for the construction of 16' x 24' detached single car garage to replace the existing detached single car garage.

Carried.

Carl Pitura

Carl Pitura, Reeve of the municipality from 1977 to 1986, attended the meeting to accept a presentation of a copy of a History of Municipal Governance in Manitoba "With One Voice", from Douglas Dobrowolski, President, Association of Manitoba Municipalities. "With One Voice" is a look at the provincial history of municipal governance and the role of the various municipal associations since 1905 that assist municipalities communicate concerns and wishes to the provincial government.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to report on road maintenance; progress on the gravelling of municipal roads; proposed dust control applications; the location of the municipal traffic counters; repairs to village asphalt streets; maintenance work at the municipal lift stations; sidewalk cleaning; flood restoration activities; and lighting upgrades at the municipal public works building.

Councillor Erb

B. Erb retired from the meeting at 10:15 a.m.

216/09 Reports

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

- a) Report of the Oak Bluff & Area Subdivision Committee meeting, Apr. 28/09
 - b) Report of the Public Works Manager, May /09
 - c) Report of the Managers' meeting, Apr. 21/09
 - d) Minutes of the White Plain Recreation District meeting, Apr. 29/09
 - e) Report of the Water Audit Quarterly Comparison, as of Apr. 30/09
 - f) Minutes of the North West Red Water Management Association meeting, Apr. 7/09
- Carried.

217/09 Correspondence

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

- a) Gillis Service Garage Ltd. –Thank you note (3223-0050)
- b) L. Rootham, Director General, Community Development & Partnerships Directorate, Human Resources & Skills Development Canada, Apr. 21/09 – 2009 Thérèse Casgrain Volunteer Award (7124-0180)
- c) Copy of letter to G. McGorman from T. Braun, M.Sc., Director, Environmental Assessment & Licensing Branch, Manitoba Conservation, Apr. 22/09 – Operator Certification Examination – Water Treatment Class IV (7200-0093)
- d) B. Dunning, Mayor, Town of Virden, Apr. 24/09 – FCM 3rd Vice President Election (1320-0075)
- e) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, Apr. 23/09 – Proposed Subdivision Planning Report, Carriere/Johnson, Lot 9 Plan 9756, Sanford
- f) K. Gunther, OTR Recycling, Apr. 26/09 – Scrap Tire pickup at disposal sites (4330-0055)
- g) R.L. Spencer, Director of Recovery, Manitoba Intergovernmental Affairs, Apr. 27/09 – 2009 Spring Flooding – DFA, requirement for engineer's damage reports for major sites (2520-0050)
- h) L. Adam, Executive Director, Public Health Division, Manitoba Health & Healthy Living, Apr. 27/09 – Mosquito Larviciding (7121-0010)
- i) Federation of Canadian Municipalities, Apr. 29/09 – Municipal Marketplace: Canada Border Services Agency Information (1320-0075)
- j) W. Kopytko, Manager of Paralegal & Support Services, Manitoba Infrastructure & Transportation, Apr. 29/09 – Expropriation of land, N½ of SE¼ 27-8-2E (2520-0050)
- k) Manitoba Municipal Administrators' Association, May 4/09 – Handivan for Sale (5160-0060)
- l) D. J. Unruh, Partnership of the Manitoba Capital Region, May 4/09 – Press Release & Meeting Information (1320-0085)
- m) R. M. of Roland – Inter-Municipal Golf Tournament, June 4/09, Roland Golf Club (1100-0010)
- n) Headingley Combined Community Charity Golf Tournament – 2000, Kingswood Golf & Country Club in La Salle (1100-0010)
- o) R. Poirier, CAO, RM of St. François Xavier, Apr. 8/09 – Agreement for Utility Supervision (7200-0090)
- p) Stantec – Rock Sump Pit (7124-0010)
- q) Association of Manitoba Municipalities, Apr. 27/09 – News Bulletin (1320-0060)
- r) L. Grenier, Regional Health Authority – Central Manitoba Inc., Apr. 30/09 – Human Swine Influenza (5160-0060)
- s) Association of Manitoba Municipalities, Apr. 30/09 – Member Advisory: Disaster Financial Assistance (1320-0060)
- t) B. Wozny, Rural Crime Watch Coordinator, Apr. 30/09 – Message from Constable A. Pasquini (2100-0030)

- u) R. Black, General Manager, ProTelec Alarms – Notice of adjustment of monitoring service (1215-0010)
- v) D. Walker, Mulder Construction & Materials Ltd., May 5/09 – Haul Road Agreement
- w) Manitoba Product Stewardship Corporation - May 2009 Bulletin (4330-0055)
- x) E. Buhler, CAO, RM of Morris – Notice of Public Hearing, June 10/09: Re-designate a parcel of land from 'AR' to 'GD' (6100-0100)
- y) Association of Manitoba Municipalities – Notice of 2009 June Central District Meeting, June 16/09, Altona and Minutes of the 2008 Central District Meeting (1320-0060)
- z) Canada-Manitoba Building Canada Fund – Communities Component: (7124-0180)
- aa) D. Prud'Homme, Prairie By-Law Enforcement Ltd. – April 2009 (2640-0020)
- bb) J. H. Dixon, Monk Goodwin LLP, May 5/09 – Variation No. 73/06 & 75/06, La Salle
- cc) The Miller Group – Household Hazardous Waste Depot (4330-0010)
- dd) K. Funke, Senior Communications Coordinator, Manitoba Pork Council, May 7/09 – Pick Pork Barbecue, May 11th, 11 a.m. – 1 p.m. (5160-0060)
- ee) T. Friesen, Constituency Assistant, Office of Candice Hoepfner, MP for Portage-Lisgar, May 7/09 – Invitation to Winkler & District Chamber of Commerce luncheon with The Honourable Vic Toews, President of the Treasury Board and Regional Minister for Manitoba, May 20/09 (7124-0180)
- ff) C. Beal, Assistant Deputy Minister, Infrastructure Canada & A. Horosko, Deputy Minister, Manitoba Infrastructure & Transportation, May 4/08 – Canada-Manitoba Infrastructure Programs, Infrastructure applications denied (7124-0180)
- gg) G. & M. Wojnarski, May 4/09 – Building restriction caveat, Lot 3-5-21340, 43 Kingswood Drive
- hh) Macdonald Age Friendly Advisory Committee Questionnaire (5160-0060)
- ii) Western Economic Diversification Canada, News Release, May 11/09 – Local Recreation Facilities (7124-0180)

Carried.

218/09 Adjourn

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT this meeting adjourn. Time: 11:25 a.m.

Carried.

THE RURAL MUNICIPALITY OF MACDONALD

Original Signed by

"R. Burns"

Reeve

"W. T. Raine"

Chief Administrative Officer

--- APPENDIX 1 ---

**RURAL MUNICIPALITY OF MACDONALD
PUBLIC HEARING
MAY 12, 2009**

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, May 12, 2009 in regards to:

- 9:30 a.m. - Variation No. 12/09 – Estate of R. Johnson, SE31-8-2W
- 9:45 a.m. - Variation No. 13/09 – D. Wrixon, 1-11098, La Salle

Attendance

Reeve R. Burns and Councillors D. Dobrowolski, B. Rex, R. Kirouac, 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.

Conflict of Interest – Erb

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

Variation No. 12/09 – Estate of R. Johnson, SE31-8-2W

No one attended in regards to Variation No. 12/09 to vary the minimum site area of 80 acres in the "AG" Agricultural Zone to 29.39 acres to allow the subdivision of an existing yardsite. The remaining portion of the title is to be consolidated with an adjoining parcel.

Councillor Erb

B. Erb returned to the meeting.

Variation No. 13/09 – D. Wrixon, 1-11098, La Salle

Dale Wrixon attended in support of his application to vary the minimum front yard requirement of 30 feet in the "RG" Residential Zone to 4 feet to allow the replacement of an existing detached garage.