

# RURAL MUNICIPALITY OF MACDONALD

## Sanford Manitoba

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### *MINUTES OF THE MEETING OF COUNCIL OF MAY 26, 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 26, 2009, commencing at 3:00 p.m. In attendance were: Reeve R. Burns and Councillors G. Lavallee, R. Kirouac, R. Morse, C. Bisson, B. Erb and W. T. Raine, CAO.

#### **219/09 Agenda**

G. Lavallee: R. Morse: BE IT RESOLVED: THAT the meeting agenda for May 26, 2009 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Gary Rosentreter – Discovery Homes – 3:30 p.m.
2. Payroll Administration Seminar – June 19/09
3. Oak Bluff Reservoir Improvements

Carried.

#### **Discovery Homes**

Gary Rosentreter, Discovery Homes, attended the meeting to discuss the possibility of locating a show home on one of the municipal lots in Starbuck and arrangements to consider the purchase of lots in the future for custom built homes.

#### **Councillor Dobrowolski**

D. Dobrowolski attended the meeting at 3:35 p.m.

#### **220/09 Minutes**

R. More: 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 May 12, 2009;

AND THAT the minutes be adopted.

Carried.

#### **221/09 Accounts**

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20090831 to 20090921 dated May 26, 2009 totalling \$320,751.88 be approved and paid.

Carried.

#### **222/09 Manitoba Stampede & Exhibition**

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT Reeve R. Burns be authorized to attend the Manitoba Stampede & Exhibition on July 18, 2009 in Morris;

AND THAT expenses be paid.

Carried.

#### **223/09 High Visibility Safety Wear**

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT the purchase of high visibility safety wear from Work Authority for the Public Works staff BE APPROVED.

Carried.

**224/09 Speed Limit – Domain**

D. Dobrowolski: G. Lavallee: WHEREAS The Highway Traffic Act, Highway Speed Regulation identifies that portion of P.R. No. 330 in the community of Domain beginning at the point 500 metres southwest of the point where the southern boundary of P.R. No. 334 crosses the highway and continuing in a southwesterly direction for a distance of 550 metres is designated as a modified speed zone and the maximum speed for vehicles being driven in that zone is fixed at 70 km/h;

AND WHEREAS the demographics of the community have changed over time with 17 school age children presently residing south east of P.R. No. 330 that have to cross the highway to access the school;

THEREFORE, BE IT RESOLVED: THAT Highway Traffic Board be requested to extend the 70 km zone along P.R. No. 330 within the community of Domain to a point 185 metres southwest of the existing designated 70 km/h speed zone.

Carried.

**225/09 By-Law No. 15/09 – Dog Control By-Law**

D. Dobrowolski: G. Lavallee: BE IT RESOLVED: THAT By-Law No. 15/09 establishing the regulation, licensing, control of dogs, establishment of a commercial dog kennel and the prohibiting of pitbull dogs within the limits of the Municipality;

BE READ THE FRIST TIME.

Carried.

**226/09 Sale of Land – West Dyke, NE 21-7-2E**

R. Morse: D. Dobrowolski: WHEREAS 1.0 acres of land in NE¼ 21-7-2 EPM was required for part of the West Dyke Project and Manitoba Infrastructure and Transportation has provided an offer for compensation;

THEREFORE, BE IT RESOLVED: THAT the signing officers of the municipality be authorized to sign on behalf of the Council of the Rural Municipality of Macdonald the Offer to Settle and Conditional Release for the Manitoba Infrastructure and Transportation File No. MFA-05-12004-0014.

Carried.

**227/09 Caveat Discharge – Lot 11-19999, Sanford**

B. Erb: R. Kirouac: WHEREAS Caveat No. 86-58020 in favour of the Rural Municipality of Macdonald is registered against Lot 11 Plan 1999 in SW¼ 29-8-1E as a Development Agreement;

AND WHEREAS a new Development Agreement with 4713096 Manitoba Ltd. to replace caveat number 86-58020 has been registered;

THEREFORE, BE IT RESOLVED: THAT the signing officers of the Rural Municipality of Macdonald be authorized to sign a Discharge of Caveat No. 86-58020.

Carried.

**228/09 Association of Manitoba Municipalities – 2009 June District Meeting**

C. Bisson: B. Erb: BE IT RESOLVED: THAT all members of Council, W. T. Raine, CAO and G. Gusdal, Assistant CAO/Mgr of Admin. be authorized to attend the Association of Manitoba Municipalities 2009 June District Meeting, June 16, 2009 in Altona;

AND THAT expenses be paid.

Carried.

**229/09 Payroll Administration Seminar**

B. Erb: C. Bisson: BE IT RESOLVED: THAT Julie Ritchot, Clerk Accountant and Nikita Novak, Utility Clerk be authorized to attend the Manitoba Municipal Administrators Association Payroll Administration Seminar on June 19, 2009 in Winnipeg;

AND THAT expenses be paid.

Carried.

**Manager of Public Works**

Grant Baker, Manager of Public Works, attended the meeting to report on drainage works; flood repairs; dust control; 102 miles of roads have been graveled as of this date; removal of the no truck route restrictions; cost estimate on sidewalk repairs; and proposed changes to the Domain sewer collection system.

**230/09 Oak Bluff Reservoir Improvements**

B. Erb: R. Kirouac: BE IT RESOLVED: THAT the estimate received from Contec Projects Limited dated May 26, 2009 for the installation of improvements at the Oak Bluff Reservoir at a charge of \$8,708.00 plus taxes BE APPROVED.

Carried.

**231/09 Reports**

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

- a) Report of the Public Works Manager, May 21/09
- b) Minutes of the Macdonald-Ritchot Planning district meeting, May 11/09

Carried.

**232/09 Meeting Recess**

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

- 4:45 p.m. – Variation 18/09 & 19/09, Henry Schulz, pt SE 15-8-1E
- 5:00 p.m. – Variation 14/09, Jeffrey Krawetz & Carolyn Moreton, pt NE 35-8-1W
- 5:15 p.m. – Conditional Use 15/09, Ron Miller, Thomas Design Builders, pt K/N/O/Q-1398, pt NW 30-9-2E
- 5:45 p.m. – Variation 16/09, David & Wendy Friesen, 3-4-25620, Oak Bluff
- 6:00 p.m. – Variation 17/09, Nicole Szmerski, 22/23-2-1528, Sanford

AND to reconvene at the conclusion of the Public Hearing.

Carried.

**233/09 Variation No. 18/09 – H. Schulz, Lot 1, pt SE 15-8-1E**

C. Bisson: R. Kirouac: WHEREAS Subdivision Application No. 4146-07-4955 of Henry Schulz was approved by the Council of the Rural Municipality of Macdonald at its meeting of December 18, 2007;

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, a minimum site width of 660 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 18/09 affecting

Lot 1 as shown on a Plan of Subdivision prepared by Shepherd & Stevens Professional Surveyors and registered with WLTO as Deposit No. 1569/2008 (3 163 Road 44NE)

BE APPROVED to allow a site of 20.6 acres with a site width of 579 feet.

Carried.

**234/09 Variation No. 19/09 – H. Schulz, pt SE 15-8-1E**

D. Dobrowolski: G. Lavallee: WHEREAS Subdivision Application No. 4146-07-4955 of Henry Schulz was approved by the Council of the Rural Municipality of Macdonald at its meeting of December 18, 2007;

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, a minimum site width of 660 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 19/09 affecting

Pt of SE 15-8-1EPM except Lot 1 as shown on a Plan of Subdivision prepared by Shepherd & Stevens Professional Surveyors and registered with WLTO as Deposit No. 1569/2008

BE APPROVED to allow a site of 78.07 acres.

Carried.

### **Councillor Rex**

Brian Rex attended the meeting at 5:00 p.m.

### **235/09 Variation No. 14/09 – J. Krawetz & C. Moreton, pt NE 35-9-1W**

R. More: B. Rex: WHEREAS the "AG" Agricultural General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides for the minimum setback from a government road allowance of 100 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 1409 of Jeffrey Krawetz & Carolyn Moreton affecting

All that portion of NE 35-8-1WPM which lies to the NE of the northeastern limit of Public Road Plan 5441 WLTO (47 168 Road 1W)

BE APPROVED to allow a north yard setback of 25 feet from a government road allowance for the construction of an addition to the existing family dwelling.

Carried.

### **236/09 Correspondence**

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

- a) D. W. Mitchell, May 5/09 – Sanford Meadowbrook Villas Inc.
- b) D. Cook, Deputy Minister of Conservation, May 5/09 – Amending the Waste Reduction and Prevention Act
- c) D. Labossiere, Director, Manitoba Conservation, May 6/09 – Discharge Starbuck Lagoon
- d) S. Ashton, Minister of Intergovernmental Affairs, May 6/09 – Federal Gas Tax Funding – 2009 Payment
- e) J. Kohler, May 11/09 – Haying of Brunkild Dyke in 2009
- f) Association of Manitoba Municipalities, May 8/09 – News Bulletin
- g) T. Van Deynze, Executive Director, Manitoba Good Roads Association, May 8/09 – 2009 Annual Competition
- h) B. Wozny, Rural Crime Watch, May 12/09 – Headingley Combined Unity Charity golf tournament 2009, Kingswood Golf & Country Club, June 15/09
- i) R. Graham Muir, Director General, Strategic Policy & Planning Directorate, RCMP, May 13/09 – Survey of Clients of Contract Policing Authorities
- j) Copy of letter from R. Muller, R.M. of Headingley to J. Platt, Community Planning Services, May 13/09 – Public Hearing for By-Law No. 5-2009, to rezone land from A5 to RR-1
- k) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, May 13/09 – Planning report for proposed subdivision, S. Troster, Lot 1 Plan 28385 (NW 3-9-1W)
- l) Western Economic Diversification Canada, May 14/09 – News Release: *Harper Government Launches \$1-Billion Fund to Help Forestry and Other Communities at Risk Across Canada*
- m) Centra Gas Manitoba Inc. – 2009/10 & 2010/11 General Rate Application
- n) C. Hoepfner, MP Portage-Lisgar – *Stand up for Canada* brochure
- o) R.M. of Taché – AMM Eastman Golf tournament, Lorette, June 23/09

- p) W. Kopytko, Manager of Paralegal & Support Services, Manitoba Infrastructure and Transportation, Land Acquisition Branch, May 13/09 – Expropriation of 1.008 Hectares of land, N½ of SE¼ 27-8-2E
- q) C. Mitchell, Right-of-Way Coordinator, Imperial Oil, May 1/09 – Pipeline Awareness – About our Winnipeg Pipeline Operation
- r) J. & F. Rempel – Letter of appreciation
- s) Copy of letter from R. Muller, R.M. of Headingley to J. Platt, Community Planning Services, May 20/09 – Public Hearing for By-Law No. 6-2009, to rezone land from A5 to RR-1
- t) W. Weston, Administrative Secretary, The Manitoba Highway Traffic Board, May 14/09 – Highway Traffic Board Hearing, June 9/09: A.K. Auto Sales Inc.
- u) Federation of Canadian Municipalities, May 10/09 – Municipal Marketplace
- v) R. Gervais, President, Agassiz Enviro-Systems Inc., May 20/09 – Agassiz Enviro-Systems sewage lagoon pilot test
- w) P. McGarry, Senior Environmental Assessment Officer, Licensing & Environmental Assessment Dept, Manitoba Hydro, May 19/09 – Bipole III Transmission Reliability Project: Regional Open Houses
- x) J. H. Dixon, Monk Goodwin LLP, May 20/09 – Duncan Certificate of Discharge  
Carried.

**237/09 Variation No. 16/09 – W. & D. Friesen, 3-4-25620, Oak Bluff**

B. Erb: C. Bisson: WHEREAS the Rural Municipality of Macdonald Zoning By-Law, as amended, provides in Part 3 – General Provisions of the Zoning By-Law Section 9(2) (b) for a minimum clearance of 10 feet from all projections from an accessory building and a principal building;

THEREFORE, BE IT RESOLVED: THAT Variation No. 16/09 of Wendy & David Friesen affecting

Lot 3 Block 4 Plan 25620 (48 Parkside Drive), Oak Bluff

BE APPROVED to allow a clearance from all projects between the accessory building and the principal building of .25 feet (3 inches) for the purpose of constructing a new garden shed.

Carried.

**238/09 Variation No. 17/09 – N. & C. Szmerski, 22 & 23-2-1528, 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 front yard for the main building is 30 feet, the minimum interior side yard is 15 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 17/09 of Nicole & Clayton Szmerski affecting

Lots 22 & 23, Block 2, Plan 1528 (23 Mellow Street), Sanford

BE APPROVED to allow a front yard of 25 feet and a west interior side yard of 4 feet for the construction of a front and rear deck on the existing single family dwelling.

Carried.

**La Salle Community Centre**

James Pollard, President of the La Salle Community Centre and Brian Cornelsen attended the meeting to provide information in regards to their proposed development of a multi-purpose facility. They requested the municipality’s support for an application for funding towards the project under the recently announced Federal RinC funding program. Mr. Cornelsen also requested a confirmation on the available funding from the municipality should they be proceed with the project.

**239/09 Subdivision Application – J. Dusik, K-13984, pt NW 30-9-2E**

B. Erb: R. Kirouac: WHEREAS Joseph Dusik has made application to Community Planning Services for a subdivision on Lot K Plan 13984, pt NW 30-9-2E;

AND WHEREAS the requirements of the “CH” Highway Commercial Zone of the Rural Municipality of Macdonald Zoning By-Law as amended provides for a minimum site area of 2 acres and a minimum site width of 200 feet;

THEREFORE, BE IT RESOLVED: THAT Subdivision Application No. 4146-08-5148 affecting

Lot K Plan 13984 (NW 30-9-2E)

BE APPROVED subject to the following conditions:

1. Approval of a Conditional Use order for the proposed use;
2. The applicant will be responsible for all municipal survey costs associated with the Survey Monument Restoration Program;
3. Confirmation from Manitoba Infrastructure & Transportation that the drainage will not have any impact on the highway drainage system;
4. Permit from Manitoba Highway Traffic Board for the change in land use to commercial and for all construction, including the proposed access onto PTH #3; and
5. Payment of the Capital Levy under By-Law No. 3/04.

Carried.

**240/09 Conditional Use No. 15/09 – Thomas Design Builders, K/N/O/Q-13984, pt NW 30-9-2E**

B. Erb: R. Kirouac: WHEREAS the “CH” Commercial Highway Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that Grocery and Convenience Stores and Restaurants and Coffee Shops may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 15/09 of Thomas Design Builders (Joseph Dusik – property owner) affecting

The Northerly 70.714 meters of Parcels K/N/O/Q – Plan 13984 adjacent to PTH #3 in the community of Oak Bluff

BE APPROVED to allow the development of this site into a combined Convenience Store and Restaurant/Coffee Shop in conjunction with a permitted Gas Bar (retail fuel and cardlock diesel dispensing) Use subject to the following conditions:

1. Installation of privacy fencing on the west and south side of the site;
2. Completion of improvements to P.T.H. No. 3 as required by Manitoba Infrastructure and Transportation; and
3. Completion of a development agreement to be registered by caveat under the provisions of Section 151 of the Planning Act.

Carried.

**241/09 Adjourn**

R. Morse: D. Dobrowolski: BE IT RESOLVED: THAT this meeting adjourn. Time: 9:00 p.m.

Carried.

**THE RURAL MUNICIPALITY OF MACDONALD**

*Original Signed by*

*“R. Burns”*

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Reeve

*“W. T. Raine”*

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Chief Administrative Officer

--- APPENDIX 1 ---

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**RURAL MUNICIPALITY OF MACDONALD  
PUBLIC HEARING  
MAY 26, 2009**

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, May 26, 2009 in regards to:

- 4:45 p.m. – Variation 18/09 & 19/09, Henry Schulz, pt SE 15-8-1E
- 5:00 p.m. – Variation 14/09, Jeffrey Krawetz & Carolyn Moreton, pt NE 35-8-1W
- 5:15 p.m. – Conditional Use 15/09, Ron Miller, Thomas Design Builders, pt K/N/O/Q-1398, pt NW 30-9-2E
- 5:45 p.m. – Variation 16/09, David & Wendy Friesen, 3-4-25620, Oak Bluff
- 6:00 p.m. – Variation 17/09, Nicole Szmerski, 22/23-2-1528, Sanford

**Attendance**

Reeve R. Burns and Councillors D. Dobrowolski G. Lavallee, 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. 18/09 & 19/09 – H. Schulz, Pt. SE 15-8-1E**

Henry Schulz attended the meeting in support of his applications to vary the minimum site area and minimum site width in the Agricultural District to allow the completion of the subdivision of an existing yard site.

**Councillor Rex**

Brian Rex attended the hearing at 5:00 p.m.

**Variation No. 14/09 – J. Krawetz & C. Moreton, Pt. NE 35-8-1W**

Jeffrey Krawetz attended in support of their application to vary the minimum yard requirement of 100 from a government road allowance to 25 feet to allow the construction of an addition to their existing single family dwelling.

**Conditional Use 15/09 – Thomas Design Builders, Pt. NW 30-9-2E, Oak Bluff**

Ron Miller, Thomas Design Builders Ltd., Darshan Kaila and Jaspal Singh Sandhu attended the meeting to provide information in regards to their application to develop a commercial site in Oak Bluff for a convenience store, coffee shop and retail gas bar and cardlock diesel sales.

**Variation No. 16/09 – D. & W. Friesen, Lot 3-4-25620, Oak Bluff**

David Friesen attended in support of their application to vary the minimum distance between the house and a proposed accessory building at 48 Parkside Drive in Oak Bluff.

**Variation No. 17/09 – N. & C. Szmerski, Lot 22/23-2-1528, Sanford**

Nicole and Clayton Szmerski attended in support of their application to vary the minimum front and side yard to allow the construction of a deck at both the front and rear of the existing single family dwelling at 23 Mellow Street.