

# RURAL MUNICIPALITY OF MACDONALD

## Sanford Manitoba

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### *MINUTES OF THE MEETING OF COUNCIL OF NOVEMBER 10, 2009*

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, November 10, 2009, commencing at 9:00 a.m. In attendance were: Reeve R. Burns and Councillors D. Dobrowolski, G. Lavallee, R. Kirouac, R. Morse, C. Bisson, B. Erb and W. T. Raine, CAO.

#### **Conflict of Interest**

Documentation for disclosure of personal interests as required under the provisions of the Municipal Council Conflict of Interest Act was filed by each member of Council.

#### **454/09 Agenda**

D. Dobrowolski: G. Lavallee: BE IT RESOLVED: THAT the meeting agenda for November 10, 2009 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Subdivision Application No. 4146-09-5203, K. & G. Kuentzle
2. Phosphorous Removal
3. Spoil Piles – PR 247

Carried.

#### **455/09 Minutes**

R. Morse: D. Dobrowolski: 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 October 27, 2009;

AND THAT the minutes be adopted.

Carried.

#### **456/09 Accounts**

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20091970 to 20092068 dated November 10, 2009 totalling \$730,513.02 be approved and paid.

Carried.

#### **457/09 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.

#### **458/09 Financial Statement**

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

Carried.

#### **459/09 Machine Rentals**

R. Morse: G. Lavallee: BE IT RESOLVED: THAT the Road Machine Rentals for the period September 27 – October 24, 2009 be charged to the accounts and other users at the established rate:

<u>Description</u>	<u>Total Hours</u>
Road Maintenance	375.5
Drainage	596.0
Roadside Mowing	51.0
Parks & Playgrounds	65.0
TOTAL	<u>1087.5</u>

Carried.

**460/09 Lot 16 Drain – City of Winnipeg**

B. Erb: C. Bisson: WHEREAS the Lot 16 Drain is the outlet for local drainage from both the City of Winnipeg and the Rural Municipality of Macdonald;

THEREFORE, BE IT RESOLVED: THAT the City of Winnipeg be requested to undertake improvements to the Lot 16 Drain commencing at the boundary of the City of Winnipeg to the weir structure.

Carried.

**461/09 Staff Dwelling – J. Schade, SE 31-9-2W**

R. Morse: D. Dobrowolski: WHEREAS a staff dwelling was approved by the Council of the Rural Municipality of Macdonald at its meeting of March 9, 2004 to expire on March 9, 2007;

THEREFORE, BE IT RESOLVED: THAT the application of Jesse Schade to maintain a staff dwelling on part SE 31-9-2W (11 079 Road 53NW) BE APPROVED to expire on March 9, 2010 subject to the condition that occupancy of the home is limited to immediate members of the family.

Carried.

**462/09 Manitoba Hydro Plan, Oak Bluff, pt NW 30-9-2E**

B. Erb: R. Kirouac: BE IT RESOLVED: THAT Manitoba Hydro plan to relocate poles along PTH No. 3 in pt NW 30-9-2E for the proposed ESSO Station 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 reseeding 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.

**463/09 Subdivision Application – K. & G. Kuentzle, NW 22-9-1W**

R. Morse: G. Lavallee: WHEREAS Konrad & Gertraud Kuentzle have made application to Community Planning Services for a subdivision/consolidation on NW 22-9-1 W;

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. 4146-09-5203 affecting

Part NW 22-9-1 WPM

BE APPROVED subject to the following conditions:

1. Approval of a variation order for the proposed parcel and residual parcel;
2. Consolidation of all that portion of the NW 22-9-1W being subdivided form Certificate of Title No. E26747 with Certificate of Title No. 2174025;
3. Confirmation from Manitoba Infrastructure and Transportation that satisfactory arrangements have been made to remove the second access to P.T.H. No. 2; and
4. Payment of the Capital Levy under By-Law No. 3/04 is hereby waived.

Carried.

**Councillor Erb**

B. Erb retired from the meeting at 10:05 a.m.

**Manager of Public Works**

Grant Baker, Manager of Public Works, attended the meeting to report on spreading of spoil material from drainage projects; roadside mowing; tree removal along PTH No. 100 near Oak Bluff; additional gravel spread; repairs to the municipal shop as a result of hail damage; and proposed no parking signs along the Perimeter Service Road north of Oak Bluff.

**464/09 Reports**

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

- a) Report of the Public Works Manager, Nov. 5/09
- b) Report of Committee of Council meeting, Nov. 2/09
- c) Minutes of the R. M. of Macdonald Manager's meeting, Sept. 18/09
- d) Minutes of Macdonald Public Recreation Commission meeting, Oct. 15/09
- e) Minutes of the Macdonald Emergency Services Committee meeting, Oct. 30/09
- f) Report of the R. M. of Macdonald Building Permit Comparative Data, to Oct. 31/09

Carried.

**Conflict of Interest - Burns**

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

**465/09 Reeve R. Burns – Approval of Absence**

G. Lavallee: R. Morse: WHEREAS Section 94 (1)(a) of "The Municipal Act" disqualifies a member of Council if the Councillor is absent for the full duration of three consecutive regular council meetings unless the absences are with the leave of council granted by resolution;

AND WHEREAS Reeve Rodney Burns was absent from the September 22, October 13 and 27, 2009 regular meetings of council due to personal reasons;

THEREFORE, BE IT RESOLVED: THAT the absence of Reeve Rodney Burns from the September 22, October 13 and 27, 2009 regular meetings of Council be authorized under the provisions of Section 94(1) of "The Municipal Act".

Carried.

**Reeve Burns**

R. Burns returned to the meeting and assumed the Chair.

**466/09 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:

11:00 a.m. – Variation No. 61/09 – David McKay, SE 29-8-1E

11:00 a.m. – Variation No. 62/09 – Jakub Zalud, 3-12482

AND to reconvene at the conclusion of the Public Hearing.

Carried.

**467/09 Variation No. 61/09 – D. McKay, pt SE 29-8-1E**

D. Dobrowolski: G. Lavallee: WHEREAS Subdivision Application No. 4146-09-5161 of David McKay was approved by the Council of the Rural Municipality of Macdonald at its meeting of June 23, 2009;

AND WHEREAS 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, a minimum site width of 660 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 61/09 affecting

Lot 1 as shown on a proposed Plan of Subdivision prepared by Stoffel Surveys and registered with WLTO as Deposit No. 911/2009  
(1 188 PTH 3E) pt SE 29-8-1E

BE APPROVED to allow a site of 3.74 acres with a site width of 360.5 feet to allow for a one (1) lot subdivision of the existing yard site.

Carried.

**468/09 Variation No. 62/09 – J. Zalud, 3-12482, La Salle**

R. Kirouac: C. Bisson: 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;

THEREFORE, BE IT RESOLVED: THAT Variation No. 62/09 of Jakub Zalud affecting

Lot 3 Plan 12482 (9 Lagace Drive) La Salle

BE APPROVED to allow a southerly side yard of 10 feet for the construction of an addition to the existing single family dwelling.

Carried.

**469/09 Correspondence**

D. Dobrowolski: R. Morse: BE IT RESOLVED: THAT the following correspondence be received as information:

- a) D. Prud'Homme, Prairie By-Law Enforcement Ltd. - Animal Control for October 2009
- b) G. Lawson, Senior Project Engineer, Manitoba Infrastructure and Transportation, Oct. 13/09 – Drainage along Provincial Right-of-Way
- c) C. Tooth, C.E.T. Vice President, Sale & Marketing, BEHLEN Industries Ltd., Oct. 19/09 – Introduction of company
- d) Copy of letter to 4713096 Manitoba Ltd. From K. Barlishen, P.Eng., Senior Approvals Engineer, Manitoba Water Stewardship, Office of Drinking Water, Oct. 20/09 – Application for a Permit to Construct or Alter Water Distribution & Low Pressure Sewer System Extensions
- e) B. Nowosad, Board of Directors, Chairman and E. Kauk, Cpl., Acting Provincial Coordinator, Manitoba Crime Stoppers, Oct. 20/09 – Support for program
- f) S. Briese, PC Intergovernmental Affairs Critic, MLA, Oct. 20/09 – Recent Debates in the Manitoba Legislature
- g) R. Lemieux, Minister of Intergovernmental Affairs, Oct. 21/09 – Bill 35: *The Municipal Conflict of Interest and Campaign Financing Act*
- h) Copy of letter to D. McKay from A. Rivers, Chairperson, Highway Traffic Board, Oct. 21/09 – The Highway Traffic Board Permit, SE 29-8-1E
- i) J. Gerardy, C.E.T., Stantec Consulting Ltd., Oct. 21/09 – Off Warranty Inspections: Kingswood Crescent Reconstruction; Kingswood Forcemain Extension;

- PrairieView Park Phase 1, 2 & 3 External Works; PrairieView Park Phase 4 & 5; and PrairieView Subdivision Phase 6- Underground
- j) Property Acquisition – River Heights Drive, Oct. 25/09 – Request to proceed
  - k) S. Murray, Assistant Administrator, R. M. of Dufferin, Oct. 26/09 – Provincial Highway #305
  - l) T. Judge, Manager-Corporate Operations, R.A. Malatest & Associates Ltd., Oct. 26/09 – ECO Canada solid waste and water/wastewater research
  - m) K. Wallcraft, Manager, La Salle Redboine Conservation District, Oct. 26/09 – Starbuck Lagoon Wetland
  - n) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, Oct. 27/09 – Revised Planning Report for Proposed Subdivision, L. Kostenko, Pcl. B & C Plan 38190
  - o) T. K. Comack, B.B.A., Land Development Manager, Ventura Land Company Inc., Oct. 28/09 – Waterview Drive Haul / Dump Site
  - p) J. Green, Administrative Assistant, Association of Manitoba Municipalities, Oct. 28/09 – Electoral Process for the AMM Convention
  - q) R. Engel, Chairperson, Finance & Operations Committee, Seine River, Oct. 28/09 – Invite to 2010-2011 Budget Consultation evening, Nov. 16/09, Lorette
  - r) Association of Manitoba Municipalities, Oct. 28/09 – Member Advisory: *Bill 35: The Municipal Conflict of Interest and Campaign Financing Act*
  - s) Manitoba Intergovernmental Affairs, Bulletin #2009-7: *The Municipal Conflict of Interest and Campaign Financing Act*
  - t) Manitoba Intergovernmental Affairs, Bulletin #2009-8: *Council Members' Annual Statements of Assets and Interests*
  - u) J. Duvenaud, Oct. 29/09 – Comments on drainage ditches
  - v) V. Sabeski, All-Net.ca, Nov. 1/09 – Letter of introduction of service
  - w) R. Muller, Development Officer, R. M. of Headingley, Nov. 2/09 – Notice of Public Hearing, Rezoning of land from 'AG' to 'RR1-E', Dec. 8/09
  - x) Headingley Rural RCMP – Community Safety Nights
  - y) C. Hoepfner, MP for Portage-Lisgar, Nov. 4/09 – Media Release: Bill to End Long-Gun Registry Passes Vote in House of Commons
  - z) K. McPhail, CEO, Regional Health Authority Centrals Manitoba Inc., Nov/09 – Call for Nominations
  - aa) Safe Work, Fall 2009 Vol. 1 No. 12
  - bb) V. Gillis President, Gillis Service Garage Ltd., Oct. 30/09 – Continued Service
  - cc) R. G. Roehle, President, Manitoba Hall of Fame, Oct. 30/09 – Request for financial support
  - dd) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, Nov. 5/09 – Planning report for Proposed Subdivision, K. & A. Penner, NW 30-8-1E

Carried.

**470/09 Adjourn**

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT this meeting adjourn. Time: 12:20 p.m.

Carried.

**THE RURAL MUNICIPALITY OF MACDONALD**

*Original Signed by*

“R. Burns”

Reeve

“W. T. Raine”

Chief Administrative Officer

--- APPENDIX 1 ---

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**RURAL MUNICIPALITY OF MACDONALD**

**PUBLIC HEARING**

**November 10, 2009**

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, November 10, 2009 in regards to:

11:00 a.m. – Variation No. 61/09 – David McKay, Pt. 29-8-1E

11:00 a.m. – Variation No. 62/09 – Jakub Zalud, 9 Lagace Dr., La Salle

**Attendance**

Reeve R. Burns and Councillors D. Dobrowolski, G. Lavallee, R. Kirouac, R. Morse, C. Bisson 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. 61/09 – David McKay, Pt. 29-8-1E**

David McKay attended in support of his application to vary the minimum site area of 80 acres and minimum site width of 660 feet in the “AR” Agricultural Restricted Zone to allow a site of 3.74 acres with a site width of 360.5 feet for the subdivision of his existing yard site from a larger parcel of agricultural land.

**Variation No. 62/09 – Jakub Zalud, Lot 3-12482, 9 Lagace Drive, La Salle**

No person(s) attended in regards to Variation No. 62/09 of Jakub Zalud to vary the minimum 15 foot side yard requirement in the “RG” Residential General Zone to a 10 foot side yard to allow the construction of an addition to the existing single family dwelling.