

# RURAL MUNICIPALITY OF MACDONALD

## Sanford Manitoba

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### *MINUTES OF THE SPECIAL MEETING OF COUNCIL OF DECEMBER 1, 2009*

A special meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, December 1, 2009, commencing at 9:00 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.

#### **471/09 Agenda**

B. Rex: R. Morse: BE IT RESOLVED: THAT the meeting agenda for December 1, 2009 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Macdonald-Ritchot Planning District Development Plan
2. Sidewalks
3. Black's Lot – Trees

Carried.

#### **Oak Bluff Traffic Flows – Manitoba Infrastructure & Transportation**

Eric Christiansen, P. Eng., Director of Highway Planning and Design, Prokopis Papadimitropoulos, P. Eng., Technical Services Engineer, and Kelvin Shuvera, P. Eng., Director of Regional Operations, Manitoba Infrastructure and Transportation attended the meeting to discuss options for the movement of traffic in the area of the community of Oak Bluff.

#### **Water Control Operations**

Scott Jackson, Regional Operations Manager and Jason Manning, Water Control Superintendent with Manitoba Infrastructure and Transportation, Water Control Operations attended the meeting to provide information in regards to proposed improvements to the Kirk Drain; proposed work on the Codner Drain at P.T. H. No. 2; and possible works in the Lot 16 Drain.

#### **472/09 Minutes**

G. Lavallee: 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 November 10, 2009;

AND THAT the minutes be adopted.

Carried.

#### **473/09 Accounts**

B. Erb: C. Bisson: BE IT RESOLVED: THAT accounts numbered 20092069 to 20092197 dated December 1, 2009 totalling \$268,461.81 be approved and paid.

Carried.

#### **474/09 Organizational By-Law**

B. Erb: R. Kirouac: WHEREAS the Rural Municipality of Macdonald Organizational By-Law No. 31/06 has been reviewed;

THEREFORE: BE IT RESOLVED: THAT no changes or amendments be considered to the said by-law at this time.

Carried.

**475/09 Municipal Software Support Agreement**

D. Dobrowolski: G. Lavallee: BE IT RESOLVED: THAT the signing officers, on behalf of the Rural Municipality of Macdonald, be authorized to sign the Municipal Information Systems Inc. (MuniWare), Municipal Software Support Agreement, for support in conjunction with MuniWare software.

Carried.

**476/09 Machine Rentals**


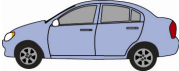
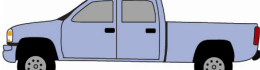
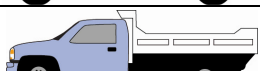
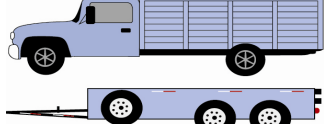
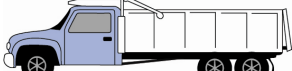

C. Bisson: B. Erb: BE IT RESOLVED: THAT the Road Machine Rentals for the period October 25 to November 21, 2009 be charged to the accounts and other users at the established rate:

<u>Description</u>	<u>Total Hours</u>
Road Maintenance	365.0
Drainage	220.0
Disposal Sites	332.0
Roadside Mowing	19.0
Office	2.0
<b>TOTAL</b>	<b>938.0</b>

Carried.

**477/09 Disposal Site Regulations**

R. Morse: B. Rex: BE IT RESOLVED: THAT the following disposal site regulations, fees and hours of operation BE APPROVED effective January 1, 2010:

<i>Type of Vehicle</i>	<i>Starbuck</i>	<i>Sanford</i>
 3 bag maximum	\$1.00/bag	\$1.00/bag
 Car or Van	\$5.00	\$5.00
 Pick-up Truck or equivalent sized trailer	\$10.00	\$10.00
 Single Axle Truck	\$25.00	\$25.00
 Three Ton Truck OR Equivalent Tandem Axle Trailer	\$50.00	\$50.00
 Tandem Axle Truck	Not Accepted	\$100.00
 Semi Truck End Dump Trailer	Not Accepted	\$200.00

- Non-Resident – not accepted at either disposal site.
- Access to the municipal disposal sites is limited to residents and identification may be requested by the attendant;
- Commercial waste haulers will be accepted at the disposal sites provided the material originates within the municipality and the material is sorted. The name and location of origin will be requested. Large scale demolition waste will **NOT** be accepted;
- The purchase of a \$20.00 prepaid tipping fee punch card will be required to access the disposal site and fees over \$100.00 will be invoiced upon request.
- Cards will be available at Sanford and Starbuck Disposal Sites for cash or cheque or at the following locations:  
 Brunkild (Baldwin Esso); Starbuck (Lenz’s Convenience Store);  
 Sanford Foods and Municipal Office;
- All materials delivered to the disposal site must be sorted into clean burn material, recyclable materials and regular garbage. Clean burn material includes trees, branches and unpainted wood;
- Recyclable materials including tires will be accepted at no charge sorted into the collection bins;
- Appliances including refrigeration equipment are accepted;

- During the last week of April and the first week of May and from September 15 to October 31 access to the disposal sites will be allowed at no charge for the disposal of organic yard waste and clean burn yard waste. Watch for further notices.

<u><b>SANFORD DISPOSAL SITE</b></u>	<u><b>STARBUCK DISPOSAL SITE</b></u>
<b>Saturday - 9:00 a.m. to 6:00 p.m.</b>	<b>Saturday - 9:00 a.m. to 6:00 p.m.</b>
<b>Summer Time:</b>	<b>Summer Time:</b>
<b>Monday &amp; Wednesday</b>	<b>Tuesday</b>
— 11:00 a.m. to 8:00 p.m.	— 2:00 p.m. to 8:00 p.m.
<b>Winter Time:</b>	<b>Winter Time:</b>
<b>Monday &amp; Wednesday</b>	<b>Tuesday</b>
— Noon to 7:00 p.m.	— 2:00 p.m. to 7:00 p.m.
<i>*Winter time hours are effective October 31<sup>st</sup> to April 1<sup>st</sup>.</i>	
<b>Agricultural Chemical Containers &amp; Scrap Tires are NO longer accepted at Starbuck. They will only be accepted at the Sanford Disposal Site.</b>	

Carried.

**478/09 Staff Dwelling – T. Ley, SW 4-9-1E**

B. Rex: D. Dobrowolski: WHEREAS a staff dwelling was approved by the Council of the Rural Municipality of Macdonald at its meeting of November 14, 2006 to expire on November 14, 2009;

THEREFORE, BE IT RESOLVED: THAT the application of Theresia Ley to maintain a staff dwelling on part SW 4-9-1E BE APPROVED to expire on November 14, 2012 subject to the condition that occupancy of the home is limited to immediate members of the family.

Carried.

**479/09 Request for Information – Building Blue Prints**

C. Bisson: R. Kirouac: 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. 53A/94 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 7-7-21340.

Carried.

**480/09 Subdivision Application – L. Kostenko, Pcls. B & C Plan 38190**

R. Morse: D. Dobrowolski: WHEREAS Laura Kostenko has made application to Community Planning Services for a subdivision on Pcls B & C Plan 38190;

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. 4146-08-5147 affecting

Pcls B & C Plan 38190 (NW 24-9-1W)

BE APPROVED subject to the following conditions:

1. Approval of a variation order for the proposed parcel;
2. Consolidation of Parcel C-38190 with Parcel D-38190;
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.

**481/09 Subdivision Application – K. & A. Penner, NW 30-8-1E**

B. Rex: D. Dobrowolski: WHEREAS Kevin & Alison Penner has made application to Community Planning Services for a subdivision on NW 30-8-1EPM;

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. 4146-03-4621 affecting

NW 30-8-1EPM

BE APPROVED subject to the following conditions:

1. Approval of a variation order 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. Preparation and approval of a development agreement under the authority of Section 135 of the Planning Act to be registered by caveat; and
4. Confirmation from Manitoba Conservation that the sewage disposal system meets the requirements of Manitoba Regulation 82/2003 *Onsite Wastewater Management Systems*; and
5. Payment of the Capital Levy under By-Law No. 3/04.

Carried.

**482/09 MTS Plan Approval – Esso/Tim Horton's Building, SW 30-9-2E**

BE IT RESOLVED: THAT MTS Communications Inc. Plan No/File No. 9070873-5551 for the proposed placement of a pedestal on the north side & pipe push of 65mm pipe c/w new 100-24PICF cable and a 24 fibre across PTH No. 3 in SW 30-9-2E, Oak Bluff to provide service to the new Esso/Tim Horton's building 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. 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;
7. 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
8. Payment of a \$150.00 administration fee.

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.

**483/09 Macdonald Public Recreation Commission**

C. Bisson: R. Kirouac: WHEREAS By-Law No. 11/04 for the planning, establishing, and carrying out of a Public Recreation Program requires that by resolution of Council, not later than December 1<sup>st</sup> of each year six citizen representatives from the following communities: Brunkild, Domain, Oak Bluff, Sanford, Starbuck and La Salle, and three municipal councillors be appointed;

THEREFORE, BE IT RESOLVED: THAT Councillors Gilles Lavallee, Brian Rex, Brad Erb and Roger Kirouac as an alternate be appointed to the Macdonald Public Recreation Commission;

AND THAT Ken Boyd, Dennis Mogg, Brenda Edwards, Jennifer Magarrell, Danny Anseeuw and Russell Grabowsky be appointed as Citizen Representatives.

Carried.

**484/09 MTS Allstream Inc. – La Salle Easement**

G. Lavallee: D. Dobrowolski: BE IT RESOLVED: THAT the signing officers, on behalf of the Rural Municipality of Macdonald, be authorized to sign the MTS Allstream Inc. Right-of-Way Agreement, File No. P0021972 (003) for easement across the easterly 5 metres of all that portion of Public Reserve as the same is shown on proposed Plan of Subdivision of part of SE $\frac{1}{4}$  section 33-8-2EPM for the installation of buried cable in the La Salle area as part of Subdivision Application No. 4146-08-5070 of Mears Capital Corporation & Paul Pfrimmer.

Carried.

**485/09 Engineering Services – Water Treatment Plant Upgrade**

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT the proposal of Genivar dated November 27, 2009 for the design, contract administration, post construction and disbursements for the water treatment plant upgrade at a fixed cost of \$390,000.00 BE APPROVED.

Carried.

**486/09 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:

11:00 a.m. – Variation No. 63/09 – Abe Friesen – pt Pcl A, B & C-20941, La Salle

11:00 a.m. – Conditional Use 64/09 – 5767173 Manitoba Ltd. – E $\frac{1}{2}$  NE 33-9-1E

AND to reconvene at the conclusion of the Public Hearing.

Carried.

**487/09 Variation No. 63/09 – A. Friesen, Pcl A, B & C Plan 20941, La Salle)**

G. Lavallee: D. Dobrowolski: WHEREAS Subdivision Application No. 4146-09-5182 of Don Martens & Vonda Plett-Martens was approved by the Council of the Rural Municipality of Macdonald at its meeting of August 25, 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. 63/09 affecting

Lot 1 as shown Plan of Subdivision prepared by Pollock & Wright Land Surveys dated 11/06/2009

BE APPROVED to allow a site of 3.85 acres with a site width of 456.74 feet to allow the subdivision of part of Parcel A Plan 20961 to be consolidated with the existing adjoining property Parcel B Plan 9681, 47 021 PR 330.

Carried.

**Councillor Lavallee**

G. Lavallee retired from the meeting at 12:15 p.m.

**Manager of Public Works**

Grant Baker, Manager of Public Works, attended the meeting to report on damage to vandalized excavators; the value of culverts installed during 2009; the type of culvert to consider for the culvert tender for 2010; spreading of spoil material from drainage projects; repair and installation of LED Christmas lighting and the condition of the hydro connections; community snow removal arrangements; various tenders to be considered

in 2010; work completed at the municipal landfill sites; installation of 'no parking' signs along the Perimeter Service Road north of Oak Bluff; and shop repairs as a result of hail damage.

#### **488/09 Reports**

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

- a) Report of Information meeting, Nov. 20/09 – La Salle Community Centre
- b) Report of the Public Works Manager, Nov. 27/09
- c) Report of the R. M. of Macdonald Manager's meeting, Oct. 27/09
- d) Minutes of the Association of Rural Municipalities Capital Region meeting, Nov. 5/09
- e) Minutes of the Macdonald-Ritchot Planning District meeting, Nov. 16/09

Carried.

#### **La Salle Community Centre**

Brian Cornelsen and other members of the La Salle Community Centre Board attended the meeting to provide details in regards to a proposed Recreation and Fitness Facility and to discuss an approach to meet qualification requirements under the Recreational Infrastructure Canada Program for a possible grant of up to one-third of eligible costs to a maximum of one million dollars.

#### **489/09 Recreational Infrastructure Canada Program ~ La Salle**

D. Dobrowolski: B. Rex: WHEREAS the Recreational Infrastructure Canada Program (RInC) application coordinator has requested the following additional information to supplement the RInC application for the La Salle Recreation and Fitness Centre: a detailed cost estimate, and confirmation that the municipal portion of the project funding is in place;

AND WHEREAS the Le Centre Communautaire de La Salle Community Centre Inc. would like to proceed with the RInC application;

THEREFORE BE IT RESOLVED: THAT the Council of the Rural Municipality of Macdonald approves the submission of the detailed cost estimates provided by Le Centre Communautaire de La Salle Community Centre Inc. for the La Salle Recreation and Fitness Centre and a letter signed by Reeve, Rodney Burns, and Chief Administrative Officer, W.T. (Tom) Raine, confirming the municipal funding for the project subject to the successful completion of a Local Improvement Plan By-law approving the debenture financing for the recreation centre rehabilitation.

Carried.

#### **490/09 Recreational Infrastructure Canada Program ~ Oak Bluff**

B. Erb: R. Kirouac: WHEREAS the Recreational Infrastructure Canada Program (RInC) application coordinator has requested the following additional information to supplement the RInC application for the Oak Bluff (OBRC) Facility Rehabilitation: a detailed cost estimate, and confirmation that the municipal portion of the project funding is in place;

AND WHEREAS the Oak Bluff Recreation Association would like to proceed with the RInC application;

THEREFORE BE IT RESOLVED: THAT the Council of the Rural Municipality of Macdonald approves the submission of the detailed cost estimates provided by Stantec Architecture Ltd for the OBRC Facility Rehabilitation and a letter signed by Reeve, Rodney Burns, and Chief Administrative Officer, W.T. (Tom) Raine, confirming the municipal funding for the project subject to the successful completion of a Local Improvement Plan By-law approving the debenture financing for the recreation centre rehabilitation.

Carried.

**491/09 Correspondence**

R. Kirouac: B. Erb: BE IT RESOLVED: THAT the following correspondence be received as information:

- a) 2009 Manitoba Tourism Awards – Call for Nominations
- b) T. Van Deynze, Executive Director, Manitoba Good Roads Association, Oct. 30/09 – 2009 Annual Roads & Beautification Competition winners
- c) R. Lemieux, Minister of Intergovernmental Affairs, Oct. 30/09 – Royal Assent to Bill 4, *The Community Revitalization Tax Increment Financing Act*
- d) Association of Manitoba Municipalities, Nov. 2/09 – News Bulletin
- e) Association of Manitoba Municipalities Education 2010
- f) Association of Manitoba Municipalities & MTCML Financial Statements, Nov. 2/09
- g) D. A. Pearlman, Pearlman –iddon Associates, Nov. 2/09 – Invite to seminar, Dec. 11/09
- h) P. McGarry, Senior Environmental Assessment Officer, Manitoba Hydro, Nov. 5/09 – Bipole III Transmission Project: Round 3 Regional Open-Houses
- i) K. Dahl, Canadian Hydro Developers Inc., Nov. 5/09 – Meteorological Data Collection Tower, S½ NW 23-9-1W removed
- j) D. Garcia, Certification Coordinator, Water & Wastewater Facility, Manitoba Conservation, Nov. 6/09 – Operator Certification Examination – Water Treatment Class IV
- k) Federation of Canadian Municipalities' Green Municipal Fund, Nov/09
- l) A. Lynett, Canadian Olympic Foundation, Nov. 6/09 – Olympic Foundation Fundraising Challenge
- m) C. Kowalski, KidSport™ Central Region Committee, Nov. 12/09 – Funding support
- n) K. Spanjer, Administrative Assistant, Red River Basin Commission, Nov. 13/09 – Public Forums
- o) D. & C. Brown, La Salle, Nov. 16/09 – Complaint re: unsightly property
- p) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, Nov. 16/09 – Proposed Subdivision Application, D. Macgillivray, SE 20-8-1E
- q) J. N. Penner, MAA LEED® AP, Stantec Architecture, Nov. 17/09 – Preliminary Cost Projection – Oak Bluff Recreation Centre
- r) B. Wozny, Nov. 18/09 – Blythefield Rd closed at PTH No. 3
- s) Association of Manitoba Municipalities, Nov. 19/09 – News Bulletin
- t) Manitoba Product Stewardship Corporation, Nov/09 Bulletin
- u) Manitoba Agriculture, Food and Rural Initiatives, Fall/winter 2009
- v) J. Gerardy, C.E.T., Project Supervisor, Stantec, Nov. 9/09 – PrairieView Park Phase 4 & 5: Underground Off Warranty Follow-up Inspection
- w) R. Lemieux, Minister of Intergovernmental Affairs, Nov. 18/09 – Federal Gas Tax Funding – 2009 Payment
- x) W. C. Enterprises Ltd., Nov. 20/09 – Security Deposit, 24 PrairieView Park
- y) A. Johnson, Manager, Employee Benefits Service Centre, HED Insurance & Risk Services, Nov. 23/09 – AMM: Group Health & Dental Program
- z) Federation of Canadian Municipalities, Nov. 24/09 – Members Advisory: Municipal Leadership on Climate Change Action: FCM's Plans in the Lead up to COP-15 in Copenhagen
- aa) Federation of Canadian Municipalities, Nov. 26/09 – Members Advisory: FCM Launches Guide responding to Nimbysim on Housing Developments
- bb) Federation of Canadian Municipalities, Nov. 26/09 – Members Advisory: FCM to Celebrate International Development Week
- cc) J. Radke, Financial/Administration Assistant, Red River Basin Commission, Nov. 26/09 – Board Meeting Draft Agenda, Dec. 3/09, Fargo & 27<sup>th</sup> Annual Summit Conference, Jan. 19-21/10, Grand Forks
- dd) R. Gervais, President, Agassiz Enviro-Systems Inc. – Phosphate Removal Technology

- ee) Manitoba Local Government – Municipal Finance & Advisory Services, Bulletin #2009-9: Campaign Financing Rules Apply to All By-Elections
- ff) Hon. J. Kenney, P.C., M.P., Minister of Citizenship, Immigration & Multiculturalism – Paul Yuzyk Award for Multiculturalism
- gg) K. Enns, Business Development Specialist, Red River GO Team, Manitoba Agriculture, Food & Rural Initiatives, Nov. 24/09 – Food Workshop, Dec. 1/09
- hh) Manitoba Pork Council, Fall 2009 – Horizons
- ii) Travel Manitoba’s Industry News – Manitoba Voyageur, Fall 2009
- jj) H. R. Sutherland, Adjuster, James Dubè Spraggs Adjusters Ltd., Nov. 24/09 – Hail Damage, Aug. 14/09

Carried.

**492/09      Adjourn**

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT this meeting adjourn. Time: 3:45 p.m.

Carried.

**THE RURAL MUNICIPALITY OF MACDONALD**

*Original Signed by*

*“R. Burns”*

\_\_\_\_\_  
Reeve

*“W. T. Raine”*

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Chief Administrative Officer

--- APPENDIX 1 ---

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**RURAL MUNICIPALITY OF MACDONALD**  
**PUBLIC HEARING**  
**December 1, 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. 63/09 – A. Friesen, Pcl A, B & C-20941, La Salle
- 11:00 a.m. – Conditional Use 64/09 – 5767173 Manitoba Ltd., E½ NE 33-9-1E

**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. 63/09 – A. Friesen, Parcel A, B & C, Plan 20941, La Salle**

Abe Friesen and Mark Magarrell attended in support of the 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 3.85 acres with a site width of 456.74 feet to allow the consolidation of a parcel of land from Parcel A-20941 with Parcel B, Plan 9681.

Terry Falconer from 21 River Heights Drive attended seeking additional information.

Craig Vidal, owner of Parcel A-9681, 47013 PR #330, attended requesting that consideration be given to accessing municipal sewer and water services as part of any future development of the consolidated parcel.

**Conditional Use No. 64/09 – 5767173 Manitoba Ltd., NE E½ 33-9-1E**

A letter was received from Hugh A. Adams, representing 5767173 Manitoba Ltd., withdrawing their application to locate a proposed public stable on E½ NE 33-9-1E.