

RURAL MUNICIPALITY OF MACDONALD

Sanford Manitoba

MINUTES OF THE MEETING OF COUNCIL OF JANUARY 12, 2010

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, January 12, 2010, 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.

1/09 Agenda

G. Lavallee: D. Dobrowolski: BE IT RESOLVED: THAT the meeting agenda for January 12, 2010 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Cross Country Ski Trail
2. Subdivision Application No. 4146-07-4989 – R. & P. Manness

Carried.

2/10 Minutes

R. Morse: 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 December 22, 2009;

AND THAT the minutes be adopted.

Carried.

3/10 Accounts

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20092331 to 20092365 and 20100001 to 20100108 dated January 12, 2010 totalling \$210,827.03 be approved and paid.

Carried.

4/10 Special Services

B. Erb: C. Bisson: 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.

5/10 By-Law No. 24/09 – Council Indemnity & Travel Allowance

D. Dobrowolski: R. Morse: BE IT RESOLVED: THAT By-Law No. 24/09 authorizing under the provisions of Section 124 of The Municipal Act the payment of indemnities, allowances and expenses as follows:

1. THAT a monthly compensation be paid to the Reeve for discharge of duties of Council and attendance at meetings of Council, in the amount of \$900.38 as an indemnity and \$450.19 as a non accountable allowance effective January 1, 2010;
2. THAT a monthly compensation be paid to the Councillors for discharge of duties of Council and attendance at meetings of Council, in the amount of \$750.32 as an indemnity and \$375.16 as a non accountable allowance effective January 1, 2010;
3. THAT compensation of \$53.33 as an indemnity and \$26.67 as a non accountable allowance for a half day; or \$106.67 as an indemnity and \$53.33 as a non accountable allowance for a whole day be paid to any member of Council for attendance at meetings of the Committees of Council or other Boards established by Council;

4. THAT compensation of \$53.33 as an indemnity and \$26.67 as a non accountable allowance for a half day; or \$106.67 as an indemnity and \$53.33 as a non accountable allowance for a whole day be paid to any member of Council incident to the travelling to, attendance at, and returning from any meeting of any Organization that in the opinion of the Council is in the interest of the municipality to belong;
5. THAT an allowance be paid to the members of Council for each hour actually and necessarily spent in the performance of such duties, work or service as is required or authorized under resolution to be performed at the rate of \$13.90 as an indemnity and \$6.95 as a non accountable allowance per hour effective January 1, 2010 to a maximum of 8 hours per day;
6. THAT a travel allowance be paid to the members of Council for attending meetings, each way from place of residence in the municipality to the place of meeting and return to residence, to be allowed only once for each meeting;
AND THAT travel expenses necessarily incurred in the performance of such duties be paid the sum equivalent to the rate per kilometre established by the Province of Manitoba for a privately owned vehicle;
7. THAT the Health and Dental Benefits Program be paid by the municipality, beginning the month following the election;
8. That this by-law supersedes any other by-laws setting rates of pay for the members of the Council of the Rural Municipality of Macdonald.

BE READ BE READ THE SECOND TIME.

Carried.

6/10

R. Morse: D. Dobrowolski: BE IT RESOLVED: THAT By-Law No. 24/09 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: 7 — FOR R. Burns, D. Dobrowolski, G. Lavallee
R. Kirouac, R. Morse, C. Bisson, B. Erb

0 — AGAINST

Carried.

7/10 Deputy Reeve & Alternate-Deputy Reeve

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT Councillor Douglas Dobrowolski be appointed Deputy Reeve of The Rural Municipality of Macdonald and that Councillor Brad Erb be appointed Alternate-Deputy Reeve of The Rural Municipality of Macdonald.

Carried.

8/10 Representation on Committees & Organizations

G. Lavallee: D. Dobrowolski: WHEREAS Section 8.6 of the Rural Municipality of Macdonald Organizational By-Law requires the consideration of appointments to Standing Committees and other bodies of council at the first regular council meeting in each year;

THEREFORE: BE IT RESOLVED: THAT membership to Committee Organizations and Municipal Representation as shown on a list dated December 31, 2009 BE APPROVED.

Carried.

9/10 Board of Revision Appointments

C. Bisson: B. Erb: WHEREAS Section 35 of The Municipal Assessment Act requires Council to appoint a board, presiding officer and secretary of the board to preside at the Board of Revision of Assessment;

THEREFORE, BE IT RESOLVED: THAT

1. the whole of Council be appointed to the Board of Revision;
2. the Reeve be appointed the presiding officer of the Board; and
3. W. T. Raine, be appointed as secretary of the Board

Carried.

10/10 Appointment of Tax Sale Manager

R. Morse: D. Dobrowolski: BE IT RESOLVED: THAT pursuant to By-Law No. 2/09 of the Rural Municipality of Macdonald, TAXervice Inc. be appointed to conduct tax sales for the Rural Municipality of Macdonald;

AND BE IT FURTHER RESOLVED: THAT Donna Zinkiew, General Manger of TAXervice Inc., be appointed Tax Sale Manager for the Rural Municipality of Macdonald and that the signing officers on behalf of the Council of the Rural Municipality of Macdonald be authorized to sign the Engagement Letter with TAXervice.

Carried.

11/10 Office of the Fire Commissioner

C. Bisson: G. Lavallee: BE IT RESOLVED: THAT the Office of the Fire Commissioner be requested to designate Fire Chief Dwight Seymour, Deputy Fire Chief Ken Langlois, and Lyle Rance as the Local Assistant to the Fire Commissioner as authorized by the Fires Prevention and Emergency Response Act to operate within the provisions of the Act within the Rural Municipality of Macdonald.

Carried.

12/10 Canadian Red Cross – Letter of Understanding

R. Kirouac: C. Bisson: WHEREAS Canadian Red Cross is committed to emergency preparedness and response and in providing registration and inquiry services in disaster response;

THEREFORE: BE IT RESOLVED: THAT the signing officers on behalf of the Council of the Rural Municipality of Macdonald be authorized to sign the Letter of Understanding between the Canadian Red Cross – Manitoba Region and the R. M. of Macdonald.

Carried.

13/10 Machine Rentals

R. Kirouac: B. Erb: BE IT RESOLVED: THAT the Road Machine Rentals for the period November 22 to December 19, 2009 be charged to the accounts and other users at the established rate:

<u>Description</u>	<u>Total Hours</u>
Road Maintenance	153.0
Drainage	59.5
Disposal Sites	94.5
Water Distribution	6.5
Roadside Mowing	29.0
Streetlighting	8.0
TOTAL	350.5

Carried.

14/10 Road Plan 610 – Survey Plan

D. Dobrowolski: G. Lavallee: BE IT RESOLVED: THAT the offer of Stoffel Surveys for the preparation of Plans under R.P.A. 128(4) for the transfer of Road Plan 610 BE ACCEPTED.

Carried.

15/10 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 23 of the agreement provides that the agreement may be amended at any time upon the written and mutual approval of both the contractor and the municipality;

AND WHEREAS the processing cost of recycling material has increased as a result of deteriorating market conditions;

AND WHEREAS the monthly recycling fee paid to N-49 Brokerage & Belake Ltd. was increased by \$30.00 per tonne of recycled material effective January 1, 2009 for a maximum period of twelve months by Council Resolution No. 46/09 dated January 27, 2009;

THEREFORE, BE IT RESOLVED: THAT the monthly recycling fee paid to N-49 Brokerage & Belake Ltd. be increased by \$40.00 per tonne of recycled material effective January 1, 2010 for a maximum period ending November 30, 2010 or prior depending on market conditions.

Carried.

16/10 Variation No. 3/10 – D. & V. Martens, Pcl A, B & C Plan 20941, La Salle

R. Kirouac: 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. 3/10 affecting

Parcels A, B and C Plan 20941, 28 River Ridge Road, La Salle

BE APPROVED to allow a site of 6.66 acres with a site width of 271.52 feet to allow the subdivision of part of Parcel A Plan 20941 to be consolidated with the existing adjoining property Parcel B Plan 9681, 47 021 PR 330.

Carried.

17/10 Subdivision Application – K. & G. Kuentzle, NW 22-9-1W

R. Morse: G. Lavallee: WHEREAS Subdivision Application No. 4146-09-5203 of Konrad & Gertraud Kuentzle was approved by the Council of the Rural Municipality of Macdonald at its meeting of November 10, 2009 subject to certain conditions;

AND WHEREAS Section 126(4) of the Planning Act provides that the approving authority may add to, vary or rescind a condition it has imposed on the approval of a subdivision application;

THEREFORE, BE IT RESOLVED: THAT the approval of Subdivision Application No. 4146-09-5203 affecting part NW 22-9-1W BE AMENDED to include the following condition:

5. The applicant will be responsible for all municipal survey costs associated with the Survey Monument Restoration Program.

Carried.

18/10 Special Weed Levy

G. Lavallee: D. Dobrowolski: WHEREAS the Macdonald Weed Supervisor and Weed Board Chair have under the provisions of Section 28(1) of The Noxious Weeds Act recommended that Council levy a charge to rectify a weed problem;

THEREFORE, BE IT RESOLVED: THAT for 2010 a charge of \$10.00 per acre be made against the land described as SE¹/₄ 26-8-2 East (#50700 - 160.54A); NW¹/₄ 23-8-2 East (#48100 - 79.9A & #48200 - 79.9A); W¹/₂ NE¹/₄ 23-8-2 East (#48000 - 80.07A); and Pt SW 5-9-1E (#131100 – 120.0A).

Carried.

19/10 TransCanada Keystone Pipeline

B. Erb: R. Kirouac: BE IT RESOLVED: THAT TransCanada Keystone Pipeline be requested to lower pipelines in Section 26-9-1E and east of Section 23-9-1E to allow for proposed improvements to drainage works in the area.

Carried.

**20/10 By-Law No. 1/10 –
Amending Designation & Payment of the Public Works Employees**

R. Morse: D. Dobrowolski: BE IT RESOLVED: THAT By-Law No. 1/10 to amend By-Law No. 13/09 for the Designation and Payment of the Public Works Employees;
BE READ THE FIRST TIME.

Carried.

21/10 Annual MWWA Conference & Trade Show

R. Kirouac: B. Erb: BE IT RESOLVED: THAT David Epler, Water Plant Manager, Grant McGorman, Water Plant Operator, Danielle Vaillant, Water Plant Operator and Frank Birt, Public Works be authorized to attend the Manitoba Water & Wastewater Association Annual Conference, March 14 - 17, 2010 in Winnipeg;
AND THAT expenses be paid.

Carried.

22/10 Water Plant Training Sessions

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT David Epler, Water Plant Manager, Grant McGorman, Water Plant Operator, and Danielle Vaillant, Water Plant Operator be authorized to attend the Transportation of Dangerous Goods Workplace Hazardous Material Information System Workshop, January 27, 2010 in Portage La Prairie;
AND BE IT FURTHER RESOLVED: THAT Grant McGorman, Water Plant Operator, and Danielle Vaillant, Water Plant Operator be authorized to attend Year Two of the Water & Wastewater Treatment Operator Program, March 1-5, 2010 in Winnipeg;
AND THAT expenses be paid.

Carried.

23/10 2009 Polaris ATV

G. Lavallee: D. Dobrowolski: BE IT RESOLVED: THAT the purchase of a 2009 Polaris ATV from Headingley Sport Shop BE APPROVED at a cost of \$7,241.92 taxes included.

Carried.

Gravel Hauling

Doug Anseeuw and Garth Anseeuw, Anseeuw Bros. Ltd. attended the meeting to discuss the gravel hauling requirements for 2010.

24/10 Desktop Computers

B. Erb: C. Bisson: BE IT RESOLVED: THAT the purchase of nine (9) Asus EEE Top Touch Screen computers from Powerland Computers Ltd. BE APPROVED at a cost of \$5,040.00 plus taxes.

Carried.

25/10 Meeting Recess

R. Morse: 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:

11:00 a.m. – Variation No. 2/10 – Laura Kostenko, B-38190 (98 PTH #2)

AND to reconvene at the conclusion of the Public Hearing.

Carried.

26/10 Variation No. 2/10 – L. Kostenko, Pcl B Plan 38190, (pt W½ 24-9-1W)

R. Morse: D. Dobrowolski: WHEREAS Subdivision Application No. 4146-08-5147 of Laura Kostenko was approved by the Council of the Rural Municipality of Macdonald at its meeting of December 1, 2009;

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. 2/10 affecting

Parcel B as shown on a Plan of Survey of part of W½ of 24-9-1WPM registered with WLTO as Plan 38190 (98 PTH #2)

BE APPROVED to allow a site of 4.94 acres with a site width of 550.29 feet to allow for a single (1) lot subdivision for the existing yard site.

Carried.

D. Enns - Drainage

Daniel Enns attended the meeting to discuss various drainage projects that he would like Council to consider as part of the 2010 drainage program.

Warkentin – 1 PrairieView Drive

Heather Warkentin of 1 PrairieView Drive attended the meeting requesting Council's permission to temporarily block a portion of PrairieView Drive in front of house number 1 and 3 for a period of three hours on March 6, 2010 as part of a fund raising spongee tournament for the Heart & Stroke Foundation.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to discuss proposed maintenance work at the water treatment plant; the annual removal of sludge from the water plant; the purchase of equipment and various quotations presently under consideration for the dust control, culverts, equipment and roadside mowing.

Councillor Morse & Erb

Councillor R. Morse and B. Erb retired from the meeting at 12:30 p.m.

27/10 Reports

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

- a) Report of the Public Works Manager, Jan. 7/10
- b) Report of meeting with S. Ashton, Minister of Infrastructure & Transportation, Jan. 5/10
- c) Building Permit Comparative Data Report, Jan. 1 – Dec. 31/09

Carried.

28/10 Correspondence

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

- a) E. Kaulbach, Dec. 2/09 – Request for penalty adjustment
- b) R. Gibbons, Secretary, Manitoba Municipal Board, Dec. 11/09 – Assessment Appeals, File No. 09A2-0094 & 009A2-0095
- c) R. Gibbons, Secretary, Manitoba Municipal Board, Dec. 11/09 – Assessment Appeals, File No. 09A2-0093
- d) J. Oleksuk, Dec. 14/09 – Request for Road Naming
- e) J. Gerardy, C.E.T., Stantec, Dec. 14/09 – Kingswood Forcemain, Off Warranty Follow up Inspection

- f) T. Oswald, Minister of Health, Dec. 15/09 – Sanford, Oakview Estates, Low Pressure Sewer System Extensions
- g) Copy of letter to G. & M. Wojnarski, from R. Gibbons, Secretary, Manitoba Municipal Board, Dec. 16/09 – Application to Vary Building Restrictions
- h) R. Typliski, Vice President, Manitoba District, Canada West Region, AECOM, Dec. 16/09 – Letter of introduction
- i) R. Gibbons, Secretary, Manitoba Municipal Board, Dec. 16/09 – Expropriation of part of NE¹/₄ 21-7-2E
- j) B. Paselukho, Monarch Pest Control, Dec. 21/09 – Company bio
- k) T. K. Comack, B.B.A., C.H.P., Land Development Manager, Ventura Land Company Inc., Dec. 21/09 – Oak Bluff Conceptual Plan – Engineering & Connectivity
- l) T. K. Comack, B.B.A., C.H.P., Land Development Manager, Ventura Land Company Inc., Dec. 21/09 – Engineer Invoices
- m) A. Farrow, Dec. 28/09 – Open water danger on river, La Salle
- n) A. Farrow, Dec. 28/09 – Final grade on Medinah, La Salle
- o) K. M. Yerex, M.L.S., C.L.S., B.Sc., Pollock & Wright, Dec. 20/09 – Restoration of Survey Monuments, NE 31-8-1E
- p) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, Dec. 31/09 – Proposed Subdivision Application, N¹/₂ 20-8-1E, D. & K. Lewko
- q) A. Grambo, President, Hudson Bay Route Association, Dec. 18/09 – 2010 Renewal Campaign: project to revitalize association and its role in support of the Hudson Bay Railroad & Port of Churchill
- r) TransCanada Keystone Pipelines, Dec. 20/09 – Update Keystone Pipelines Quick Facts brochure
- s) L. Yohe, Executive Director, Red River Basin Commission, Dec. 21/09 – 2010 Contribution request
- t) Manitoba Centre for Health Policy Newsletter, Fall 2009, Issue No. 21
- u) J. H. Dixon, Monk Goodwin LLP, Dec. 23/09 – Shirliff Access Agreement
- v) J. Hiley, P.Ag., Land Evaluation Specialist, Agri-Environmental Knowledge, Innovation & Technology, Jan. 4/09 – Historical development of the RM of Macdonald: 1871 – 2006
- w) J. H. Dixon, Monk Goodwin LLP, Dec. 23/09 – By-Law No. 17/09: Development Agreement
- x) C. N. Wowryk, Corne Corne Bennet Waugh, Dec 23/09 – Notice of Garnishment
- y) B. I. Stewart, FCM President, Mayor of Summerside, P.E.I. – 2010-11 membership
- z) D. Prud'Homme, Prairie By-law Enforcement Ltd. – December 2009 activity report
- aa) The Exchange Chartered Accountants LLP, Dec. 16/09 – Interim audit completed for Jan. 1 to Dec. 16/09
- bb) A. Brown, Dec. 22/09 – Starbuck Lots for Sale
- cc) D. Seymour, Dec. 30/09 – Fire Chief mileage allowance
- dd) H. & J. Warkentin, 1 PrairieView Drive, La Salle, Jan. 8/10 – Request to temporary close a portion of PrairieView Dr.
- ee) B. Joynt, Regional Wildlife Manager, Manitoba Conservation, Jan. 8/10 – Deer hunting season within the Perimeter Highway
- ff) Emergency Public Information Course, Jan. 28-29/10
- gg) Macdonald-Headingley Recreation District, Jan/10 – *Recreation Matters*
- hh) Manitoba Swine Seminar 2010, Feb. 3-4/10, Winnipeg
- ii) G. Barron, FCGA, Jan. 8/10 – Water & Sewer Utility Rate Studies
- jj) J. Fogg, General Manager, Manitoba Product Stewardship Corporation, Jan. 7/10 – Notice that M. Fernandes, Senior Manager of Municipal Programs is leaving MPSC
- kk) Futurescape, Winter 2009
- ll) M. McGarry, Jan. 11/10 – Access to La Salle River

Carried.

29/10 Adjourn

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT this meeting adjourn. Time: 2:20 p.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
January 12, 2010**

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, January 12, 2010 in regards to:

11:00 a.m. – Variation No. 02/10 – Laura Kostenko, W $\frac{1}{2}$ 24-9-1W

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 Municipal Act and the Planning Act for all matters under consideration at this hearing.

Variation No. 02/10 – Laura Kostenki, W $\frac{1}{2}$ 24-9-1W

No persons attended in regards to an application by Laura Kostenko to vary the minimum requirements in the “AG” Agricultural General Zone to allow a parcel with a site area of 4.94 acres and a frontage width of 550.29 to allow the subdivision of an existing single family dwelling and consolidation of the residual parcel with an adjoining title.