

RURAL MUNICIPALITY OF MACDONALD

Sanford Manitoba

MINUTES OF THE MEETING OF COUNCIL OF APRIL 27, 2010

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, April 27, 2010, commencing at 3:00 p.m. In attendance were: Reeve R. Burns and Councillors D. Dobrowolski, B. Rex, R. Kirouac, C. Bisson and W. T. Raine, CAO.

156/10 Agenda

D. Dobrowolski: B. Rex: BE IT RESOLVED: THAT the meeting agenda for April 27, 2010 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Sanford – L.D.S.
2. Volunteer Fire Department – 20 Year Capital Plan
3. Drainage – Rue Gaudry, La Salle

Carried.

157/10 Minutes

C. Bisson: R. Kirouac: 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 regular meeting of April 13, 2010;

AND THAT the minutes be adopted.

Carried.

158/10 By-Law No. 10/10 – Macdonald Zoning By-Law Amendment – Map 3, La Salle

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT By-Law No. 10/10 authorizing the amendment of Zoning By-Law No. 15/95, District Map 3, La Salle, as amended, as follows:

1. To re-zone an area described as

All that portion of the E½ of NE¼ 30-8-2 EPM which lies to the East of the River La Salle Exc Plan 33172 WLTO as the same is shown shaded on the attached Schedule "A"

be hereby reclassified from "AR" Agricultural Restricted Zone to "RS" Residential Suburban Zone.

BE READ THE FIRST TIME.

Carried.

159/10 Accounts

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT accounts numbered 20100713 to 20100800 dated April 27, 2010 totalling \$238,461.19 be approved and paid.

Carried.

160/10 By-Law No. 6/10 – Development Agreement, Vouriot Farms Ltd., W½ 27-8-2E

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT By-Law No. 6/10 authorizing the entering into of an Easement Agreement with Vouriot Farms Ltd. respecting the placement of a sewer force main in part W½ 27-8-2E;

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: 5 — FOR R. Burns, D. Dobrowolski, B. Rex
R. Kirouac, C. Bisson
0 — AGAINST

Carried.

161/10 Sale of Surplus Equipment

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT the report dated April 23, 2010 for bids received for Sale of Surplus Equipment BE APPROVED.

Carried.

Councillor Erb

Brad Erb attended the meeting at 3:25 p.m.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to discuss the gravel and dust control program; seasonal workers; the receipt of new equipment and vehicles; sale of surplus equipment; and installation of the traffic counter.

162/10 Reports

B. Erb: C. Bisson: BE IT RESOLVED: THAT the following reports be received as information:

- a) Report of the Public Works Manager, Apr. 27/10
- b) Minutes of the Macdonald-Ritchot Planning District meeting, Apr. 19/10
- c) Minutes of the Association of Rural Municipalities Capital Region meeting Apr. 1/10

Carried.

Floodway Construction

Phil Pantel, P. Eng., Geotechnical Engineer, Acres Manitoba Limited and Scott Jackson, Regional Operations Manager, Manitoba Infrastructure and Transportation, Water Control Operations attended the meeting to discuss concerns with the drainage along the portion of the floodway dyke constructed north of PR #305 along the Bolen Drain in section 30-7-1E.

Age-Friendly Communities

Susanne Moore, Recreation Director and Monty Magarrell attended the meeting to share with Council the results of an Age-Friendly R. M. of Macdonald Community Survey that was conducted in February 2010 with the assistance of the Centre on Aging, University of Manitoba. Ninety-five questionnaires were completed and indicated that the most age friendly points were that seniors were generally treated with respect in the communities, seniors feel safe in their communities and snow clearing is done in a timely manner. Priority areas included affordable housing, sidewalks and road crossings, recreation and social programs and health services.

Councillor Morse

Bob Morse attended the meeting at 3:55 p.m. during the discussions on age-friendly communities

163/10 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:

5:00 p.m. – Variation 13/10 – T. Trueman, Ventura

- 5:00 p.m. – Variation 14/10 – Ventura Custom
- 5:00 p.m. – Conditional Use 15/10 – Lisa Johnson
- 5:30 p.m. – Conditional Use 16/10 – Saint Mark Coptic
- 5:45 p.m. – Conditional Use 17/10 – Deena Caplette, Kid City
(Hreit Holdings 70 Corporation) - 2595 McGillivray Blvd.
- 7:00 p.m. – Financial Plan Hearing

AND to reconvene at the conclusion of the Public Hearing.

Carried.

164/10 Correspondence

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

- a) D. Prud'Homme, Prairie By-Law Enforcement Ltd. – Animal Control, Month of March 2010
- b) J. Muller, Secretary, Board of Reference, Manitoba Education, Apr. 9/10 – Notice of Hearing: Red River Valley School Division & Seine River School Division, May 27/10, Morris
- c) T. Forsyth, Apr. 8/10 – River View Development in La Salle
- d) J. Jasnikowski, Apr. 9/10 – Request to stop residential burning, Oak Bluff
- e) Association of Manitoba Municipalities, Apr. 9/10 – Infrastructure Funding Update
- f) K. J. Dalton, Tapper Cuddy LLP, Apr. 12/10 – Legacy from the Estate of John Cuddy
- g) S. Briese, MLA Ste. Rose, Apr. 12/10 – Questions & answers regarding wastewater management regulations from Question Period, March 26/10
- h) E. Rempel, Administrative Assistant, Policy & Communications, Association of Manitoba Municipalities, Apr. 13/10 – Support of Ecological Goods & Services Program in Canada
- i) R. L. Spencer, Director of Recovery, Manitoba Infrastructure & Transportation, Apr. 13/10 – 2009 Spring Flood Disaster Financial Assistance Program
- j) D. Prud'Homme, Prairie By-Law Enforcement Services. – Non Truck Routes, March 29 - April 10/10
- k) Federation of Canadian Municipalities, Apr. 14/10 – E-bulletin – Week of April 12
- l) J. R. Champagne, Em. Mgt., Com. Dev., CD, Manitoba EMO, SE Regional Manager, Apr. 14/10 – Latest changes to the DFA Program
- m) Federation of Canadian Municipalities, Apr. 15/10 – Members Advisory: *What Will New National Wastewater Regulations Cost Your Community?*
- n) E. Rempel, Administrative Assistant, Policy & Communications, Association of Manitoba Municipalities, Apr. 16/10 – Resolution Response from S. Ashton, Minister of Infrastructure & Transportation
- o) Association of Manitoba Municipalities, Apr. 16/10 – Member Advisory: Campaign Financing
- p) Winnipeg Free Press, Apr. 19/10 – *Stimulus deadline may cause headaches*
- q) Workers Compensation Board of Manitoba - update, April 2010
- r) Workplace Safety & Health Ltd., Spring 2010
- s) A. Elias, Western Financial Group, Hayhurst Elias Dudek Inc., Apr. 13/10 – Change of business name to *Western Financial Group Insurance Solutions*, eff. May 1/10
- t) E. Rempel, Association of Manitoba Municipalities, Apr. 16/10 – News Release: *Amended Sewage Ejector Rules would Help Prevent Undue Hardship for Property Owners: Blaikie*
- u) A. O'Connor, Sanford Collegiate, Apr. 20/10 – Invitation to the Sanford Collegiate Drama Production
- v) S. Zilkie, Office Manager, Community Futures Triple R Corporation, Apr. 20/10 – No Video Seminars
- w) Federation of Canadian Municipalities, Apr. 21/10 – E-bulletin, week of Apr. 19
- x) P. Thiessen, Apr. 21/10 – Property Layout

- y) M. Shyiak, Secretary Maskrey Estates Tenant’s Association, Apr. 17/10 – Development Issues
- z) R. Knox, Country Wide Waste Inc., Apr. 18/10 – Special Service Plan No. 1-2006
- aa) Federation of Canadian Municipalities, Apr. 22/10 – Municipal Marketplace: Canada Post’s ongoing commitment to rural communities
- bb) B. Nedohin, P.Ag., BDS-CD, Red River GO Team, Manitoba Agriculture, Food & Rural Initiatives, Mar. 3/10 – Community Economic Development (CED) Pathfinder
- cc) Association of Manitoba Municipalities, Apr. 19/10 – AMM Education 2010: Strategic Thinking at the Speed of Change, Brandon, May 17/10
- dd) K. Gibson, CMMA, Acting CAO, R.M. of Grey, Apr. 20/10 – BiPole II Support Request
- ee) Association of Manitoba Municipalities, Apr. 21/10 – Member Advisory: Proposed New Sewage Ejector Rules
- ff) J. Platt, Community Planner, Manitoba Community Planning Services, Apr. 22/10 – RM of Macdonald By-Law 9/10 Amendment
- gg) J. Platt, Community Planner, Manitoba Intergovernmental Affairs, Community Planning Services, Apr. 22/10 – Proposed Subdivision Report, R. & K. Hewett, N½ NW 9-9-2E
- hh) R. Gibbons, Secretary, The Manitoba Municipal Board, Apr. 22/10 – RM of Macdonald By-Law No. 2/10 Hearing, May 31/10, La Salle

Carried.

165/10 By-Law No. 7/10 – 2010 Financial Plan & Annual Tax Rates

B. Erb: R. Kirouac: BE IT RESOLVED: THAT By-Law No. 7/10 under the provisions of The Municipal Act S.M. 1996 c. 58 to fix the rates and levies in accordance with the sums set forth in the record of estimates and schedules of said by-law as follows:

<u>Tax Levy</u>	<u>Mills</u>
Municipal Purposes	10.203
Conservation District.....	.228
Brady Road Drain Area – per acre charge..... @	\$3.09
Atchison/DeMeyer Drain Area – per acre charge	@ \$2.844
Codner Drain Area – per acre charge..... @	\$1.40
School - Provincial: Other	12.343
Special - Pembina Trails	13.765
- Seine River S.D. No. 14	16.055
- Red River Valley	18.484
- Prairie Rose	14.826
La Salle Recreation Centre	- Zone "A"
	- Zone "B"
	.297
	.103
Starbuck Hall	- Zone "Rural"
	- Zone "Urban"
	.215
	.266
Sanford Rink – per parcel charge	@ \$67.61
Oak Bluff Sewer – per foot frontage @ \$2.50	1.782
Domain Sewer – per foot frontage @ \$5.16.....	3.905
Starbuck Water – per foot frontage @ \$3.00	1.773
AgriPark Water – per foot frontage @ \$9.23.....	.455
Brunkild Sewer & Water – per foot frontage @ \$6.26	12.433
Kingswood Sewer Lift Station – per foot frontage	@ \$2.118
Starbuck Sewer Lift Station – per parcel charge @ \$107.09	\$0.328

All rates and taxes imposed and levied in the year 2010 shall be deemed to have been imposed and due and payable on September 30, 2010. Discounts will be allowed on all 2010 taxes paid before September 1, 2010 at the following rates:

On all current taxes paid during the month of June 30 a discount of 1.26%; during the month of July, a discount of .84%; during the month of August, a discount of .42%; and during the month of September the taxes shall be payable at par.

Penalties will be added at the rate of 1.25% per month, on all arrears of taxes, and commencing October 1, 2010 on 2010 taxes until the taxes are paid or the municipality sells the land liable therefore at Tax Sale;

BE READ THE SECOND TIME.

Carried.

166/10

B. Erb: C. Bisson: BE IT RESOLVED: THAT By-Law No. 10/09 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, B. Rex, R. Kirouac
R. Morse, C. Bisson, B. Erb

0 — AGAINST

Carried.

167/10 By-Law No. 8/10 – General Borrowing

B. Erb: R. Kirouac: WHEREAS Sections 172(e), 174(1) and 174(3) of The Municipal Act provide for the contracting of debts by borrowing money, and for issuing debentures;

AND WHEREAS the R. M. of Macdonald is considering the construction of a sewer lagoon, a sewer lift station, sewer collection lines and water distribution lines for the benefit of the municipality;

AND WHEREAS in order to complete such undertaking it will be necessary to expend the sum of \$6,820,000.00 and to issue borrowing in the amount of \$6,820,000.00 of debt;

NOW THEREFORE, BE IT RESOLVED: THAT By-Law No. 8/10 be enacted as follows:

1. THAT the Municipality may expend the sum of \$6,820,000.00 for the purpose aforesaid;
2. THAT for the aforesaid project, the Municipality may borrow the sum of \$6,820,000.00 and issue borrowing dated the 31st day of October 2010;
3. THAT the said debentures shall bear interest at a rate estimated at 7% per annum, subject to the authorization of The Municipal Board with the maturity set out in Schedule "A" hereto on the 31st day of October in each of the years 2011 to 2030 both inclusive;

BE READ THE SECOND TIME.

Carried.

168/10 Conditional Use No. 15/10 – L. Johnston, A-13984

B. Erb: C. Bisson: WHEREAS the "AR" Agricultural Restricted Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that "Agriculture Specialized" may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 15/10 of Liza Johnston (Joseph Dusik & Victor Dusik – property owner) affecting

Parcel A, Plan 13984 in NW 30-9-2EPM

BE DENIED.

Carried.

169/10 Variation No. 13/10 – Ventura Custom Homes, 11-2-47981, La Salle

C. Bisson: B. Erb: WHEREAS the "RG-1" Residential General-1 Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that the minimum side yard on the street side of a corner lot is 20 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 13/10 of Ventura Custom Homes Ltd. (Todd Trueman – property owner) affecting

Lot 11 Block 2 Plan 47981 (1 Kara Cove) La Salle

BE APPROVED to allow an east side yard of 10 feet along PrairieView Drive to allow the construction of a single family dwelling and attached triple car garage.

Under the provisions of Section 11.5 of By-Law No. 33/06 a member of council requested a recorded vote be taken.

FOR: R. Burns, D. Dobrowolski, B. Rex, R. Morse, C. Bisson, B. Erb
AGAINST: R. Kirouac

Carried.

170/10 Variation No. 14/10 – Ventura Custom Homes, 1-2-47981, La Salle

R. Morse: B. Rex: WHEREAS the “RG-1” Residential General-1 Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that the minimum side yard on the street side of a corner lot is 20 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 14/10 of Ventura Custom Homes Ltd. affecting

Lot 1 Block 2 Plan 47981 (2 Kara Cove) La Salle

BE APPROVED to allow an east side yard of 10 feet along PrairieView Drive to allow the construction of a single family dwelling and attached triple car garage.

Under the provisions of Section 11.5 of By-Law No. 33/06 a member of council requested a recorded vote be taken.

FOR: R. Burns, D. Dobrowolski, B. Rex, R. Morse, C. Bisson, B. Erb
AGAINST: R. Kirouac

Carried.

171/10 Conditional Use No. 17/10 – D. Caplette, Kid City, Part SW 11-10-2E

R. Kirouac: B. Erb: WHEREAS the “ML” Industrial Light Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that Indoor Participant Recreation Service may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 17/10 of Deena Caplette, Kid City (Hreit Holdings 70 Corporation – property owner) affecting

All that portion of fractional SW 11-10-2E lying north of PTH No. 3 (2595 McGillivray Blvd.)

BE APPROVED to allow the development of approximately 9,000 square feet of the existing building as a Family Entertainment Center for indoor activities, play and recreation for families with young children ages 0-13 years including a café subject to the following conditions:

1. Operating hours are limited to Monday to Saturday 10 a.m. to 9:00 p.m. & Sunday 12:00 p.m. to 6:00 p.m.
2. Approval of the Highway Traffic Board;
3. The approval of an Occupancy Permit from the Office of the Fire Commissioner; and
4. Completion of a development agreement to be registered by caveat under the provisions of Section 151 of the Planning Act.

Carried.

172/10 Adjourn

D. Dobrowolski: R. Morse: BE IT RESOLVED: THAT this meeting adjourn. Time: 9:35 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
April 27, 2010**

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, April 27, 2010 in regards to:

- 5:00 p.m. – Variation No. 1310 – Ventura Custom Homes, 1-2-47981, La Salle
- 5:00 p.m. – Variation No. 14/10 – Ventura Custom Homes, 11-2-47981, La Salle
- 5:00 p.m. – Conditional Use 15/10 – L. Johnson, Pt. NW 30-9-2E, Oak Bluff
- 5:30 p.m. – Conditional Use 16/10 – St. Mark Coptic Church, 8, 9 & 10-47966
- 5:45 p.m. – Conditional Use 17/10 – D. Caplette, 2595 McGillivray Blvd.
- 7:00 p.m. – 2010 Financial Plan

Attendance

Reeve R. Burns and Councillors D. Dobrowolski, 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 Municipal Act and the Planning Act for all matters under consideration at this hearing.

Variation No. 13/10 – Ventura Custom Homes Ltd, (T. Trueman) 11-2-47981, La Salle

Glenda Sobie, General Manager, Ventura Custom Homes Ltd. and Todd Trueman attended in support of their application to vary the minimum street side yard of 20 feet along PrairieView Drive in La Salle to allow a side yard of 10 feet for the construction of a single family dwelling and attached triple car garage.

A letter of objection to the proposed variance was received from Tommy & Joanie Jensen of 41 Second Ave. and Wilhelmina & Kenneth Hunt of 29 Second Ave.

Variation No. 13/10 – Ventura Custom Homes Ltd – 1-2-47981, La Salle

Glenda Sobie, General Manager, Ventura Custom Homes Ltd. attended in support of their application to vary the minimum street side yard of 20 feet along PrairieView Drive in La Salle to allow a side yard of 10 feet for the construction of a single family dwelling and attached triple car garage.

A letter of objection to the proposed variance was received from Tommy & Joanie Jensen of 41 Second Ave. and Wilhelmina & Kenneth Hunt of 29 Second Ave.

Conditional Use No. 15/10 – L. Johnston, (J. & V. Dusik), Parcel A-13984

No persons appeared in regards to the application of Liza Johnson to locate a portable market garden on the north east corner of the intersection of PTH #100 and PR #3 during a period commencing on June 1st to September 20th.

A letter recommending that the application not be approved was received from Gord Parker, P. Eng., Project Planning Engineer with Manitoba Infrastructure and Transportation because of safety concerns at an intersection with high traffic volumes.

Conditional Use No. 16/10 – St. Mark Coptic Church, Lots 8, 9 & 10-47966

Adel Takla, representing the Saint Mark Coptic Orthodox Church Inc., attended the meeting in support of their application to locate a church along McGillivray Boulevard. The structure would include the main church, a gymnasium, kitchen, banquet hall and Sunday school classes for the use of the church members.

Conditional Use 17 – D. Caplette (Hreit Holdings 70 Corp.) Pt. SW 11-10-2E

Deena Caplette and Kelly Runyan attended in support of their application to develop an indoor participant recreation service within the existing building located at 2595 McGillivray Blvd. The facility would be designed for children between the ages of 0 to 13 years old and would include a play structure, a toddler area, areas for basketball & soccer, an area for ping pong and an area for a café that would include a seating area with televisions and wireless internet service. They proposed that the occupancy permit would be limited to a maximum attendance of 150 people at any onetime.

2010 Financial Plan

George Junkin and Glen Hallick attended the public hearing seeking information in regards to the 2010 Financial Plan. Details of the proposed 2010 Financial Plan were provided including the details of the proposed 2010 capital budget and general borrowing.

No persons attended objecting to the proposed 2010 Financial Plan.